

CALIFORNIA COASTAL COMMISSION

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May 30, 2001

Tues 6c

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
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DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: **STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LOCAL
COASTAL PROGRAM AMENDMENT #6-2000(A) (NAVAL TRAINING
CENTER)**

SYNOPSIS**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending denial, as submitted and subsequent approval if modified, of the proposed Naval Training Center Land Use Plan and Implementation Plan.

The majority of the development planned at NTC appears to be generally consistent with the Chapter 3 policies of the Coastal Act. However, as proposed, the LCP lacks explicit policies that ensure that future development on the site, in whatever form is eventually approved, will conform with the resource protection, public access, visual protection, public recreation and visitor-serving policies of the Coastal Act. Therefore, staff is recommending substantial revisions to the plan to add detailed, specific policy language and goals regarding the protection of natural resources, visual resources, and public access and recreation. Suggested modifications address the provision and protection of view corridors, impose limitations on the height of new development in the office/research and development portion of the planning area, require the provision of adequate parking areas, a parking management plan, and transit provisions, increase plan provisions regarding pedestrian orientation and public access to the boat channel, limit uses in biological sensitive areas, and require the provision of additional public recreational facilities, including a community meeting area.

As proposed by the City, very little land area in plan has been designated for visitor-serving uses, which are high priority uses under the Coastal Act, or community-oriented uses. Given the historic use of the site for public purposes and the proximity of the area to the shoreline, it is critical that a substantial amount of area be reserved for publicly oriented development. Therefore, significant restrictions have been placed on the land area in the northern portion of NTC, where most of the land will remain in public ownership. As modified, this area must be reserved for development that is visitor-serving or community-oriented.

The appropriate resolutions and motions begin on Page 5. The suggested modifications begin on Page 8. The findings for denial of the Land Use Plan Amendment as submitted and approval of the plan, if modified, begin on Page 35. The findings for denial of the Implementation Plan Amendment as submitted and approval of the plan, if modified, begin on Page 64.

SUMMARY OF AMENDMENT REQUEST

The proposed amendment involves the creation of a new planning segment for the City of San Diego for the former Naval Training Center (NTC). The NTC Precise Plan and Local Coastal Program consists of both a Land Use Plan (LUP) and Implementation Plan (IP).

Located within the Peninsula Community of the City, NTC was operated as a military facility by the federal government from 1922 to 1997. Land uses at NTC during its operation as a military facility consisted of housing, training, recreation, administration, and support uses. In July 1993, the U.S. Navy declared its intention to close the base under the terms of the Base Closure and Realignment Act of 1990, and the City of San Diego began planning for the reuse of the site in 1993.

The proposed plan contains policies, guidelines, and a development outline for the 360 acres of the former military training center. NTC is planned as a pedestrian-oriented mixed-use neighborhood with a mix of residential, education, recreational, office, commercial, and institutional/civic uses, as well as public facilities and utility improvements. The planning area has been segmented into the following land use areas: Residential, Educational, Office/Research & Development; Mixed Use, Park/Open Space; Boat Channel; Visitor Hotel Area; Business Hotel Area; Metropolitan Wastewater Department (MWWD) Area; and a Public Safety Training Institute Area.

Within the above categories, initial buildout under the proposed LCP would consist of the 350 residential units, 380,000 square feet of office/research and development space, a 36-foot high multi-level parking structure containing approximately 3,750 parking spaces, the 350 room hotel visitor hotel, the 650 room business hotel, 140,000 sq.ft. of laboratory facilities on the MWWD site, and 150,000 sq.ft. of facilities on the Regional Public Safety Training Institute. Many of the existing buildings within NTC are proposed to be retained and rehabilitated, including all of the buildings within the Historic District which has been established on the site.

Since the amendment was originally submitted to the Commission, the City has submitted two new sections to the Precise Plan: "Coastal Element" as a new Chapter 6 to the Plan, and "Appendix B Use Restrictions for Visitor Emphasis Overlay". Since these sections have not been formally adopted by the City Council as part of the proposed Local Coastal Program Amendment, the sections must be incorporated into the plan as suggested modifications. Suggested Modification #23 and #28 include these new sections in their entirety; the strikethrough/underlines shown in the suggested modifications are changes staff is recommending be made to the City's proposal.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP amendment #6-2000 may be obtained from Diana Lilly, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part. The earliest LUP approval occurred in May 1979, with others occurring in 1988, in concert with the implementation plan. The final segment, Mission Bay Park, was certified in November 1996.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included such things as land use revisions in several segments, rezoning of single properties, and modifications of citywide ordinances.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the

certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

I. Land Use Plan Denial as Submitted

MOTION: *I move that the Commission certify the Land Use Plan for the City of San Diego LCPA #6-2000(A) as submitted by the City of San Diego.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan submitted for the City of San Diego LCPA #6-2000(A) and adopts the findings set forth below on grounds that the land use plan as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan as submitted.

II. Land Use Plan Certification with Suggested Modifications

MOTION: *I move that the Commission certify the Land Use Plan for City of San Diego LCPA #6-2000(A) as submitted by the City of San Diego if modified as suggested in this staff report.*

STAFF RECOMMENDATION TO CERTIFY IF MODIFIED:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan for the City of San Diego LCPA #6-2000(A) if modified as suggested and adopts the findings set forth below on grounds that the land use plan with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan if modified.

III. Implementation Plan Denial as Submitted

MOTION III: *I move that the Commission reject the Implementation Program Amendment Number #6-2000(A) for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the City of San Diego and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

IV. Implementation Plan Certification with Suggested Modifications

MOTION IV: *I move that the Commission certify the Implementation Program Amendment Number 6-2000(A) for the City of San Diego if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications conforms with and is adequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Program if modified as suggested complies with the California

Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LCP Amendment be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language that the Commission suggests be deleted from the language as originally submitted.

1. Page **I: INTRODUCTION & CONTEXT – 10** shall be modified as follows:

[D. OPPORTUNITIES AND CONSTRAINTS]

g. Views of downtown

View availability on and adjacent to NTC is a function of topography. The NTC site, generally perceived as level, actually slopes gently in a north-to-south direction, losing approximately 50 feet in elevation from the north (Rosecrans at Lytton) to the south (Rosecrans at Nimitz). The site slopes easterly as well, with the lowest point on the property measuring seven feet above mean sea level (amsl). Views of the downtown skyline and San Diego Bay will be available and protected on-site from the planned public waterfront park and from structures with unobstructed south and southeastern vistas. Preservation of existing views and the creation of new public view corridors is a priority.

[...]

Building heights at NTC will be regulated by zoning, although proposed building heights at NTC are expected to have limited or no effect on downtown views. (See viewshed analysis conducted from 10 key public observation points in the Point Loma area, as described within the environmental initial study prepared for this Precise Plan.) The NTC site is a transitional area between the high rise downtown core of Centre City and the Port of San Diego lands, and the traditional business/residential neighborhood of Point Loma and the Peninsula community. Thus, building heights shall be designed to be visually compatible with the character of surrounding areas.

2. Page **I: INTRODUCTION & CONTEXT – 15** subsection ***b. Historic District*** shall be modified as follows:

b. Historic District

An Historic District was created at NTC as a result of two surveys identifying structures eligible for listing on the National Register of Historic Places. See Figure 1.7, *Development Constraints, 1999*. Eligibility for listing on the National Register of Historic Places brings with it restrictions on modifying the exteriors of these structures which may limit efforts to mitigate noise in areas where aircraft noise levels are high and which may result in higher costs to meet code requirements that conform to historic rehabilitation guidelines. A set of guidelines (*Naval Training Center Guidelines for the Treatment of Historic Properties*) has been prepared and approved by the City of San Diego Historical Resources Board (HRB) to guide rehabilitation. ~~Proposals which do not comply with these guidelines require approval from the HRB.~~

All currently proposed and future work within the NTC Historic District shall be consistent with the *Naval Training Center San Diego Guidelines for the Treatment of Historic Properties* and the *U.S. Secretary of the Interior's Standards and Criteria for the Treatment of Historic Properties*. All future improvements for new buildings or additions to buildings within the Historic District shall be sent to the California State Historic Preservation Officer for a determination of consistency with the *U.S. Secretary of the Interior's Standards and Criteria* and shall be reviewed by the City of San Diego Historical Resources Board for a recommendation before final approval by the decision making body of the required permit.

3. Page **I: INTRODUCTION & CONTEXT – 17** shall be modified as follows, and Figure 1.8 *Tidelands Trust Exchange*, attached to this report as Exhibit #5, shall be added to the plan:

c. Tidelands Trust

Approximately one-third of NTC is subject to Tidelands Trust restrictions. Established by the State of California and enforced by the State Lands Commission, the Tidelands Trust prohibits private sale or encumbering of state tidelands and limits development on tidelands to commerce, recreation, navigation, and fishery-related uses. As of February 2000, the Tidelands Trust boundary as depicted in Figure 1.7, *Development Constraints*, was under negotiation between the City of San Diego and the State Lands Commission. The City's objective is to have the Trust designation extinguished from those portions of NTC to be occupied by the Regional Public Safety Training Institute and some residential uses, and have it instead impressed on the park and open space areas on the west side of the boat channel. Figure 1.8, *Tidelands Trust Exchange*, shows the proposed boundaries.

4. Page **I: INTRODUCTION & CONTEXT – 18** shall be modified to add section "i" as follows, and Figure 1.9 *Federal Property Conveyance Areas*, attached to this report as Exhibit #6, shall be added to the plan:

i. Property Conveyance

Two land acquisition methods will be used to acquire title for NTC from the Federal Government: the Economic Development Conveyance (EDC) and the Public Benefit Conveyance (PBC). The EDC method permits the transfer of property from the Department of Defense to the Local Reuse Authority (LRA) for job-creation purposes. The PBC method permits the transfer of property from the Department of Defense to the Local Reuse Authority (LRA) for public purposes such as education, airport, parks, public health and human services, historic preservation, etc. Figure 1.9, *Federal Property Conveyance Areas*, shows where the EDC and PBC methods are used.

Each method of conveyance imposes certain restrictions on the ultimate use and disposition of the property. The PBC ensures that the property is protected for public purposes, based on the nature and mission of the Federal agency which sponsors the conveyance. At NTC, two agencies are sponsoring PBCs, the Department of Health and Human Services and the Department of the Interior, National Park Service.

5. Page **II: LAND USE – 8** shall be modified as follows:

**TABLE 2.3
RESIDENTIAL DEVELOPMENT PROGRAM**

Development Activity	Primarily new development. Some reuse and rehabilitation of existing structures.
Estimated Gross Area	37 Acres
Use Emphasis	Residential. Maximum 350 residential units to be developed, of which at least 150 must be single family and at least 100 must be multi-family in character
Height Maximum	<u>40' 30' for single family dwellings except that for 25% of the single family dwellings, the height maximum is 36'. No new residential structures adjacent to Rosecrans may exceed 30 feet in height. The height maximum is 36' for all multi-family dwellings.</u>
Proposed Zoning	RT and RM

6. Page **II: LAND USE – 8** shall be modified as follows:

D. EDUCATIONAL AREA

Governing Policies

The goal is to create an eclectic mix of educational institutions that will serve a cross-section of the community. Student diversity is anticipated in terms of age, culture, economic background, values, previous education, and skills.

Priority Uses within the educational area are educational and vocational training, including but not limited to traditional and non-traditional classroom instruction, corporate training, public and charter public schools, private for-profit and not-for-profit institutions, and incubator businesses.

Other Uses include retail support services such as educational supplies and services (e.g., bookstores, art stores, computer stores, copying facilities), eating establishments (e.g., cafeterias or student union type facilities), and transient occupancy facilities comparable to European pensions. These uses are allowed as support uses to the educational facilities, not as primary uses. Other acceptable uses may include office/R&D and warehousing operations for small start-up companies. This type of use could take the form of an office-suites set-up or might be housed in stand-alone buildings. On a space- and needs-available basis, all or a portion of an existing building could be converted into living spaces for students. Where feasible, such living spaces should be made available for short-term use by the general public (such as during the summer season).

7. Page **II: LAND USE – 10**, the last paragraph shall be modified as follows:

[D. EDUCATIONAL AREA]

Navy Building 30 is an architecturally significant structure and is included in the Historic District. Its rehabilitation and reuse must be consistent with the “NTC Guidelines for the Treatment of Historic Properties.” The side of Building 30 which borders the Mixed Use Area should relate directly to the pedestrian-oriented mixed use character of that area. Therefore, portions of Building 30 adjacent to the promenade may be ideally suited for uses that have a retail nature, e.g., a bookstore, or restaurant, ~~or even~~ A long-term transient occupancy facility which serves both the educational and mixed use areas such as a residential hotel or European style pension would support the goal of educational diversity, and should be a high priority at this location. Where feasible, such living spaces should be made available for short-term use by the general public.

8. Section **II: LAND USE – 13** shall be modified as follows:

E. OFFICE/RESEARCH AND DEVELOPMENT AREA

Governing Policies

The plan is to create an employment center at NTC that can interact with the adjacent educational institutions while supporting many of the commercial uses in the mixed use area. The area will accommodate a variety of community-serving uses, commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale.

[...]

TABLE 2.6
OFFICE/R&D DEVELOPMENT PROGRAM

Development Activity	All new development
Estimated Gross Area	22 Acres
Use Emphasis	Business and professional office, administrative, research and development, small incubator businesses.
Height Maximum	60' 40' to 45' (See Figure 2.4)
Proposed Zoning	CR

9. Figure 2.4 *Office/Research & Development Area* attached to this report as Exhibit #7 shall be added to the plan. However, the Figure shall be revised to eliminate all references to a 60' Maximum height zone; only a 40' Maximum and 45' Maximum zone shall be designated on the Figure.

10. Page **II: LAND USE – 16** shall be modified as follows:

F. MIXED USE AREA

Governing Policies

There will be three land use precincts within the Mixed Use Area, a civic, arts, and culture precinct (CACP); a commercial precinct; and a golf course precinct. An Historic District overlays all or part of the three precincts, and the public promenade crosses two precincts. The public promenade will be a major focus of pedestrian activity and provides a landscaped outdoor courtyard created by the arrangement of many historic buildings. In addition, a special overlay Public Promenade Overlay, depicted on Figure 2.5(3) is applied to the corridor running through the Mixed Use Area. Consistent design treatment, such as paving, landscaping, lighting, entryways, architectural treatments,

windows etc., shall be applied throughout the Overlay (in conformance with the provisions of the Historic District where applicable) and to the buildings facing either side of the public promenade in such a manner as to promote a pedestrian-friendly streetscape and character, and to ensure that this area is open and inviting to the public.

[...]

Within the Mixed Use Area, it is expected that 625,000 SF of existing developed space will be adaptively reused for a range of activities and services.

Priority Uses within the Mixed Use Area are virtually any office, commercial, education, recreational, or light-industrial use that can tolerate high aircraft noise levels and function in a structure which, due to its age and historic designation, may be improved following the *Naval Training Center Guidelines for the Treatment of Historic Properties*. Desirable uses are office and administration, commercial, for-profit and non-profit institutional, low/no environmental impact research and development, museum, arts and cultural activities, live/work units, restaurants, marine-related uses, and public use areas.

No single type of use should represent more than 50 percent of the total available square footage within the Mixed Use Area. On the ground floor level facing the promenade, businesses that are open to the public should be encouraged so that an active pedestrian area can be promoted. Uses particularly appropriate in these ground floor spaces include but are not limited to galleries, museums, workshops for dance or crafts, restaurants, and retail shops.

For the portion of the Mixed Use Area that lies within the RPZ, certain use restrictions apply. Figure 1.7 provides a graphic depiction of those areas impacted by the RPZ use restrictions. Appendix A provides use restrictions in the RPZ. These use restrictions provide notification requirements to the San Diego Unified Port District and shall guide approval of any proposed use within the Mixed Use Area that lies within the RPZ.

Most of the Mixed Use Area lies within a Visitor and Community Emphasis Overlay (VCEO) area. The intent of the VCEO is to ensure that adequate area is provided for uses which are visitor-serving and/or community-oriented in nature. The boundaries of the VCEO are shown on Figure 2.5(4). It covers the entire publicly-owned land area in the northern portion of NTC, with the exception of a segment of land between the golf course and the Civic, Arts, and Culture Precinct that is within the Commercial Precinct. The VCEO area is subject to use restrictions, identified in Appendix B, designed to ensure that development in this area will be visitor-serving and community-oriented in nature. Residential, general commercial, industrial and research and development type uses are excluded from this area.

11. Figure 2.5(1) Mixed Use Area with Precincts, Figure 2.5(2) Mixed Use Area with Historic District, Figure 2.5(3) Mixed Use Promenade Overlay and Figure 2.5(4) Mixed Use Area with Visitor Emphasis Overlay, attached to this report as Exhibits #8 - #11, shall be added to the plan. Modifications shall be on Figure 2.5(4) as shown to revise the Visitor Emphasis Overlay to the Visitor and Community Emphasis Overlay, and to expand the boundaries of the VCEO to include all of the publicly-owned land area in the northern portion of NTC, with the exception of a segment of land between the golf course and the Civic, Arts, and Culture Precinct that is within the Commercial Precinct.

12. Page **II: LAND USE –21** shall be modified as follows:

a. Civic, Arts, and Culture Precinct (CACP)

A typical tenant mix within the CACP ~~should~~ shall include "resident" tenants such as non-profit offices, restaurants, museums, and retail activities associated with primary uses, and "non-resident" tenants who will use available spaces for primarily publicly-oriented conferences, classes, performances, meetings, and special events on a short-term basis.

[...]

c. Golf Course Precinct

A public golf course has been operational at NTC for many years. It is anticipated that the area devoted to golf may be enlarged so that additional or reconfigured holes and a driving range may be constructed. Ancillary uses on the course are expected to include a club house, pro shop, and restaurant. Any future permit to expand the golf course within the boundaries of the Historic District will be evaluated in accordance with *NTC Guidelines for the Treatment of Historic Properties*. The course shall remain open the public, and any proposal to convert the golf course to a private membership club would require an amendment to the Precise Plan and Local Coastal Program.

13. Page **II: LAND USE – 27** shall be modified as follows:

The last paragraph on the page shall be revised as follows:

Along the park near the top of the boat channel, the public esplanade ~~should~~ shall deepen to about 250-feet from the water's edge, then taper westerly so that it transitions into the narrower esplanade at the very top of the boat channel. This widened corner area allows for naturalizing, contouring, or otherwise changing the shape of the channel edge at a future time.

14. Page **II: LAND USE – 31** the second paragraph shall be modified as follows:

There is an existing dock near the north end of the boat channel and the *NTC Reuse Plan* anticipates several more docks. A pier and boat dock ~~will~~ may be developed which facilitates ocean monitoring tests by MWW. A Coastal Development Permit will be required for the boat dock, and it will need to demonstrate that it meets the requirements of the Coastal Act.

15. Page **II: LAND USE – 31** the first paragraph under the heading **I. VISITOR HOTEL** shall be modified as follows:

Governing Policies

A hotel accommodating up to 350-rooms will most likely be oriented to family vacationers. An on-site Naval structure built in the 1990's (Navy Building 623) can either function as a convention center for hotel meetings, operate independently for non-hotel activities and community events, or be used for activities as diverse as religious activities or retail commercial sales. However, the building shall not be used exclusively for hotel activities or other private uses on a permanent basis; community, civic, and/or public uses shall be given first priority for use of the Naval structure.

16. Page **II: LAND USE – 34** shall be modified as follows:

J. BUSINESS HOTEL

Governing Policies

A mid-rise hotel with up to 650 rooms will be built on the east side of the boat channel and will likely be marketed to business travelers.

Priority Uses are those visitor-serving uses which involve lodging facilities and water oriented recreation uses. Ancillary uses such as food, retail, entertainment, and conference facilities are also allowed.

[...]

Amenities typically associated with a business hotel – conference facilities, restaurants, recreation facilities, visitor commercial retail establishments – are permitted within the hotel or on separate pads. The hotel may include a public recreational dock in the boat channel for small boat rentals and public access and recreational opportunities.

17. Page **II: LAND USE – 36** shall be modified as follows:

K. METROPOLITAN WASTEWATER DEPARTMENT (MWWD)

Governing Policies

Development of the MWWD office and laboratory will represent all new construction.

Priority Uses are public agency or institutional office, research and development, and marine-related activities.

18. Page **II: LAND USE – 38** shall be modified as follows:

L. REGIONAL PUBLIC SAFETY TRAINING INSTITUTE

Governing Policies

The San Diego Regional Public Safety Training Institute (RPSTI) is a coalition comprised of the San Diego Community College District, the San Diego Sheriff's Department, and the San Diego Police Department aligned with San Diego Fire & Life Safety Services. The various agencies plan to consolidate fragmented venues used for training and bring together into one area all public safety training – including law enforcement, fire and life safety, emergency medical, lifeguard, and security guards. The RPSTI plans to use this site for administrative and support areas, classroom training, and outdoor field training.

Priority Uses are public agency or institutional uses including educational and training facilities, office, administrative, research and development activities.

19. Page **IV: URBAN DESIGN – 3** shall be modified as follows to add a new View Preservation section, and a new Figure 4.2 *View Preservation*, attached to this report as Exhibit #12 shall be added. However, the Figure shall be revised to show all four Through View Corridors extending down the edge of the boat channel, not terminating in the park or at Cushing Road.

In addition, in order to accommodate the new Figure 4.2, the proposed Figure 4.2 (*Open Space Concept Plan*) shall be renumbered as 4.3, the proposed Figure 4.3 (*Circulation Concept Plan*) shall be renumbered as 4.4, and the proposed Figure 4.4 (*Esplanade Character Sketches*) shall be renumbered as 4.5. The City has also submitted an updated Figure 4.1, and this new Figure 1 (attached as Exhibit #13) shall replace the originally proposed Figure 4.1.

View Preservation

Views of the waterfront and skyline shall be protected by establishing public view corridors which accentuate key public rights-of-way (streets and sidewalks, both existing and proposed) with appropriate zoning, setbacks and design standards, including clustering of tall buildings, slender buildings, proper building orientation and floor area restrictions and height limits where necessary.

Street signs and traffic control signals should not create overhead barriers to long and short views down streets. Existing views of the Coronado Bridge from Rosecrans Street shall not be obstructed by new development on NTC.

There are four principal through-view corridors designated on NTC, as shown on Figure 4.2, *View Preservation*, which allow views through the base. These unobstructed through-view corridors rise vertically from the edges of the road bed and include any public sidewalks provided. No structural penetration of the through-view corridors shall be permitted on the west side of the boat channel. There are also three panoramic viewsheds over NTC, observable from publicly accessible areas west of the base as shown on Figure 4.2, *View Preservation*. These panoramic views are possible because the topography rises steeply west of Rosecrans. To avoid negatively affecting these panoramic views, no new on-site development at NTC shall exceed 45 feet in height within 600 feet of Rosecrans Street.

On site views will be provided not only via the through-view corridors shown on Figure 4.2, but also by the occasional framed views possible through arcades and in the spaces between buildings. These views, as shown on Figure 4.1, *Urban Design Concept Plan*, provide unexpected, distant, and frequently furtive-seeming cameos of structures, landscaping, skyline, and blue sky. To avoid negatively affecting these occasional cameo views, no new on-site development at NTC shall be located so as to block the views shown on Figure 4.1.

20. Page **IV: URBAN DESIGN – 4** shall be modified as follows:

The last paragraph on the page shall be revised as follows:

The public esplanade will maintain a minimum dimension of 100' on the west side of the channel in the park/open space area and maintain a minimum dimension of 150' adjacent to the visitor hotel. On the east side of the channel, for design flexibility the esplanade width may vary, but should shall maintain a at least an average minimum depth of 150' from the water's edge to the business hotel, with that dimension tapering to 50' at the very north end of the site near the RPSTI, where it is interrupted by existing buildings. Two potential options for the esplanade are shown as Figure 4.4, *Esplanade Character Sketches*.

21. **Chapter V: INFRASTRUCTURE** – Page 7 shall be modified as follows:

Public Transit Interface

Discussions with the Metropolitan Transit District indicate that the location and intensity of development at NTC do not support bus routings through the site. Rather, buses will continue to operate along Rosecrans Street which provides direct access to the residential, educational, and mixed use areas of NTC. Buses will also continue to operate along Lytton Avenue. MTDB will reevaluate their routing decisions from time to time in response to changes in use and ridership.

However, a transit office shall be established concurrent with occupancy of the first phase of redevelopment to issue bus passes and coordinate car pools for employees and residents, provide transit information to visitors, and consult on the transit needs for special events. MTDB will be encouraged to provide neighborhood circulators or shuttles to provide community-level tripmaking and feeder access to established bus routes. Hotels shall participate in shuttle systems to Lindbergh Field.

22. **Chapter V: INFRASTRUCTURE** – The last paragraph under section **B. WATER, SEWER, AND STORM DRAIN SYSTEMS** on Page 15 shall be modified as follows:

Water quality improvement is an important policy issue for NTC. Therefore, storm water quality management techniques must be integrated into the engineering and landscape design. A Storm Water Pollution Prevention Plan must be developed which leads to an NPDES permit. This will be among the conditions of approval on a Vesting Tentative Map. Proposals to control runoff shall be required of NTC development and include Best Management Practices for dealing with sediment, petrochemicals, and trash. The policy of the City is to ensure the future health, safety and general welfare of the citizens of the City and to improve and protect the water quality and beneficial uses of receiving waters by controlling stormwater runoff and pollution that may cause or contribute to adverse impacts on recreational access to beaches, or other coastal resources, such as sensitive habitat areas in, or associated with, coastal waters. All development, public and private, shall meet or exceed the stormwater standards of the State of California, and the most recent standards of the Regional Water Quality Control Board with regard to stormwater runoff.

23. The following section suggested by City of San Diego staff as a modification to the plan shall be added to the LUP in its entirety as Chapter VI, but as revised below:

VI - COASTAL ELEMENT

A. INTRODUCTION

The Naval Training Center is located within the California Coastal Zone. All portions of the Base transferred from the Navy to the City of San Diego are subject to the California Coastal Act, as amended.

The NTC Precise Plan is the Local Coastal Program (LCP) for NTC and will be submitted to the California Coastal Commission for their approval. Implementation of the Precise Plan is only possible following certification by the Commission.

As part of its application, the City will seek to become the coastal permitting authority for certain development areas at NTC, in accordance with map C-908 (*NTC Redevelopment Site Inclusion in Coastal Zone*) on file with the San Diego City Clerk. This map portrays areas of permitting authority for the City and the Coastal Commission.

The policies of this chapter of the Precise Plan apply to the future redevelopment of the NTC property as described throughout this plan. In the event there are any conflicts between the policies of this chapter and the rest of the Plan, the policies of this chapter shall apply.

B. BACKGROUND AND PLAN SUMMARY

A series of conditions, constraints, and policies impact the location, density/intensity, and timing of development at NTC. Those conditions, constraints, and policies are described in three documents: NTC Conditions and Considerations (October 1994), NTC Reuse Plan (October 1998), and this NTC Precise Plan.

In general, Tidelands Trust restrictions on use, the Lindbergh Field runway protection zone, high levels of airport noise, and limitations on remodeling within the Historic District all limit potential reuse at NTC.

- Residential uses are proposed to be located on the southerly third of the site outside the high noise impact area and the reconfigured Tidelands Trust (which restricts residential uses and private land ownership).
- Educational uses are proposed on central portions of NTC where the Navy conducted training classes and where Navy structures lend themselves to adaptive reuse for educational purposes. The educational use area contains buildings which come closest to "move-in" condition.

- Office/Research and Development uses are proposed to be located on a portion of the site where demolition can occur because the buildings are not historic, where land can be acquired in fee because it lies outside the Tidelands Trust, and where uses can sustain higher noise levels.
- Mixed use is proposed on 107 acres in the northern portion of the site, most of which is in the Historic District. The Mixed Use area includes a civic, arts, and culture precinct, a commercial precinct, and a public golf course precinct. Allowing a mix of primarily small users within the area - offices, retail operations, museums, galleries, artists' workshops, live/work areas, recreational uses, restaurants and other visitor-serving uses - allows uses that can adapt to the setting and special circumstances of the area.
- Public park and open space uses are designated along the waterfront. NTC will provide a local-serving recreational function for Peninsula residents and a major new waterfront park for all San Diegans. The park and open space at NTC could form the southernmost element in the proposed Bay-to-Bay link. A public promenade in the form of an urban plaza, greenbelt or linear park will traverse the length of the site tying uses together.
- The boat channel itself covers approximately 54 acres. Additional study and planning are required to determine how the boat channel will be used, whether the sides of the channel - which are now covered with rip-rap - should be altered, and what kind of channel maintenance is necessary.
- Hotels are proposed to be sited adjacent to the water on Harbor Drive on each side of the boat channel. The waterfront location, visibility, and ease of access to the airport make these sites logical for hotel use. Family-oriented hotel use is proposed on the west side of the channel and a business-oriented hotel is proposed on the east side near the airport.
- An ocean monitoring laboratory to be built by the Metropolitan Wastewater Department (MWWD) requires a waterfront location. This site is proposed to be located on the east side of the boat channel between the business hotel and a Regional Public Safety Training Institute. The 100,000 square foot facility will be built in stages and may include a pier and boat dock which would extend into the boat channel. An additional 30,000 square foot coastal water laboratory is proposed on the site at a later time.
- Regional Public Safety Training Institute (RPSTI) is designated for the site adjacent to the water testing laboratory. The RPSTI is a training facility operated by a coalition of law enforcement, fire protection, and life safety agencies. It will use many of the existing buildings and proposes to construct a number of specialty buildings including but not limited to an indoor firing range and a fire training tower.

Policies and development programs have been established for all use areas except for the boat channel where only policies have been created. Special circumstances apply in the case of the boat channel.

In preparing NTC for transfer to the City of San Diego, the U.S. Navy determined that heavy metal pollutants were present in the boat channel. The Navy's pollution remediation program is expected to delay the transfer of the boat channel to the City. It is anticipated that transfer of the boat channel will follow transfer of the remainder of the base by some 24 months. Restrictions on shoreline areas that lie 15 feet landward of the boat channel have been put in place by the Navy and will remain in force until the boat channel is conveyed to the City.

It should be noted that land 15 feet from the boat channel all fall within the publicly-accessible esplanade. Moreover, policies included within this Precise Plan for the boat channel call for recreation, habitat, and marina uses. The boat channel is seen as a public recreational resource.

Priority and secondary uses for the boat channel can only be determined after a detailed study which evaluates the water quality of the boat channel, the degree to which the shoreline edge might require alteration, the feasibility of creating naturalized conditions along the water edge, the consideration of wildlife using the channel, and the acceptability of boating use within the channel. Local, state, and federal agencies would have input on use, although continuous public access to and along the boat channel is a guiding policy that must be provided in any design. Incorporation of the boat channel and the 15-foot wide area adjacent to the boat channel (which has not yet been transferred to the City) into the Precise Plan and Local Coastal Program, and Modification to or extension of the boat channel will involve additional environmental assessment and may shall require an amendment to the NTC Precise Plan and Local Coastal Program.

C. PROGRAM FOR PUBLIC ACCESS

1. Goal

Public access and recreational opportunities shall be provided throughout NTC, consistent with public safety, ~~public agency~~ police, fire, and military security needs, and the protection of fragile coastal resources.

2. Policies

Development shall not interfere with the public's right of access to the boat channel.

Public access from the nearest public roadway to and along the boat channel shall be provided.

Public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. In particular, a community center suitable for community meetings and assemblies shall be provided within NTC and made available for civic functions (such as local planning board meetings).

3. Standards of Review

- a. Multiple entry points shall be provided at the perimeter of NTC to allow access to the boat channel.
- b. All streets at NTC will be public streets, assuring access to and through the site.
- c. No gates shall be permitted which preclude access from major public roads to the boat channel. The major public roads surrounding NTC are Rosecrans Street, Harbor Drive, Lytton/Barnett Street, and Laning Road. Two existing historic gates shall be maintained for historic purposes but shall not function to control access to the property. Gate 1 is located along Lytton/Barnett Street and Gate 3 is located along Rosecrans Street.
- d. All property to be developed as a public park and most of the property to be developed as ~~an~~ public esplanade around the boat channel will be transferred to the City of San Diego by the Federal Government through a National Park Service Public Benefit Conveyance (PBC). Under the agreement with the National Park Service, all land conveyed under the PBC must remain in public use in perpetuity.
- e. A public access easement shall be required for the esplanade in all areas not otherwise conveyed through a National Park Service PBC.
- f. The public esplanade shall be measured landward, from the top edge of the boat channel and not from the edge of the water.
- g. The City of San Diego shall assure that the creation of the public esplanade and other public access opportunities is tied directly to milestones in the development of NTC and is not left to the final stage of development. Prior to construction of the esplanade, public access shall continue to be available along the waterfront. Signage directing the public to and along the waterfront shall be in place prior to occupancy of any new residential or commercial development at NTC.
- h. Regarding parking:
 - On-site development at NTC shall provide adequate parking to meet the demand associated with the use as identified in the parking standards contained in the City's Land Development Code. Exceptions to the parking standards in the LDC shall be allowed only to permit the use of tandem parking in residential areas.
 - A parking management plan shall be developed for the office, education and mixed-use portions of NTC to ensure that adequate parking is provided for all development in

these areas. The plan shall including phasing for the construction of a parking structure (if deemed necessary to accommodate the required parking) prior to or concurrent with the construction of new development, and annual parking studies through build-out of these development areas to evaluate impacts of non-park users on parking spaces provided within the public park areas, and NTC generated users on adjacent residential streets west of Rosecrans Street. If, based on results of these parking studies, it is determined that impacts of non-park users to parking spaces within the public park areas are occurring, or impacts of NTC generated users on adjacent residential streets are occurring, an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within the office, education, mixed-use and public park or other mitigation measure identified in the parking study shall be implemented.

- Parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. This will mitigate against the impacts of overcrowding or overuse by the public of any single area.

- When feasible, private parking areas shall be made available for public uses during peak recreation times and/or times where demand for private parking is low (e.g. evenings and weekends).

- i. Any parking structure shall be closely reviewed for its impact on public views. Dense plantings of evergreen trees and large shrubs are to be incorporated for visual screening in front of any multi-story parking structure fronting on or visible from a public street. Surface parking will be allowed and must be sufficiently screened from public street views with perimeter landscaping.

- j. Continuous public access shall be provided along the NTC esplanade, connecting Gate 1 (Lytton/Barnett Street) to the Spanish Landing approach point.

D. PROGRAM FOR RECREATION

1. Goal

Waterfront land suitable for recreational use shall be provided for public recreational use.

2. Policies

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses. Lower-cost facilities, ~~C~~community recreational facilities such as Navy Building

271, sports fields and areas for court sports shall be available to the general public, and not solely for the use of local residents.

3. Standards of Review

- a. The park adjacent to the boat channel shall be developed as NTC's principal open space, park and playground and shall be both physically and visually accessible to the public. However, a system of small open spaces throughout NTC—pocket parks, plazas, fountains, landscaped streets—shall be provided to supplement the large open spaces along the boat channel, to link the different residential and commercial districts and to provide focal points for the various neighborhoods. Public recreation and coastal dependent uses shall predominate adjacent to the boat channel.
- b. Visitor-serving commercial uses shall be sited adjacent to the boat channel.
- c. Park and recreation areas shall be sited and designed to maximize access to the boat channel. Public support facilities such as comfort stations and parking shall be provided.
- d. Zoning which permits commercial recreation uses shall be applied to portions of NTC.
- e. The public esplanade shall be designed to accommodate a variety of recreational opportunities, e.g., walking and biking, as well as seating, viewing, and picnicking facilities.

E. PROGRAM FOR THE MARINE ENVIRONMENT

1. Goal

Marine resources shall be maintained, enhanced, and, where feasible, restored.

2. Policies

The biological productivity and the quality of coastal waters shall be maintained in part by controlling runoff.

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters.

The diking, filling, or dredging of open coastal waters, ~~and~~ wetlands and estuaries shall be permitted only where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following types of development:

- (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities;

(4) In open coastal waters and estuaries, other than wetlands, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Diking, filling, or dredging in estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

Facilities serving the recreational boating industries shall be protected and, where feasible, upgraded.

3. Standards of Review

a. Proposals to maintain or dredge the boat channel, expand existing boat docks, or introduce new public boat docks and public launching ramps shall demonstrate there is no feasible less environmentally damaging alternative.

b. Proposals to modify the shoreline shall ~~balance the public's use of the area with~~ first protect and preserve the foraging and habitat value associated with the existing rip rap, and shall accommodate the public's use of the area where compatible.

F. PROGRAM FOR DEVELOPMENT

1. Goal

New development shall provide opportunities for visual and physical access by the public to the visual, recreational, and other public resources provided by development at NTC.

2. Policies

New development shall be located within, contiguous with, or in close proximity to existing developed areas. New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development, and shall minimize energy consumption and vehicle miles traveled.

The scenic and visual qualities of NTC shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to scenic areas, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, ~~(43)~~ providing adequate parking facilities or providing substitute means of serving the development with public transportation, and by ~~(54)~~ assuring that the recreational needs of new residents will not overload on-site recreation facilities.

3. Standards of Review

- a. Development shall reinforce NTC's original street grid pattern to create consistent sight lines and enhance circulation and access from important coastal access routes. Pedestrian walkways, bicycle paths and public transit will receive the same attention as facilities designed for the automobile. The City shall install bicycle storage facilities in public areas such as parks and in other public facilities in order to encourage bicycle use. Bicycle storage facilities shall be considered as a required condition of approval on new development applications for proposed commercial, hotel or major residential projects.
- b. MTDB will be requested to expand bus service to the nearest public roadway to the shoreline. As deemed necessary, new developments shall be required to provide or assist in funding transit facilities such as bus shelters and turnouts. The City shall promote ridesharing and shall provide ridesharing information to the public.
- c. To improve visual quality, large paved areas that have deteriorated shall be replaced with park-like landscaping, or with new paved areas planted in conformance with the

City of San Diego's Land Development Code. Public and private projects should be planned in such a manner that significant trees will not be destroyed when preservation is economically realistic and consistent with sound planning and horticultural practices.

- d. A public pedestrian linkage shall be provided from Gate 1 along Lytton/Barnett at the north boundary of NTC through to the military family housing area at the south boundary of the development.
- e. Commercial facilities shall be provided near the residential and educational development areas of NTC to reduce traffic on such coastal access roads as Rosecrans Street, Lytton/Barnett, and Nimitz Boulevard.
- f. Along the length of the public promenade, which extends from Lytton Street through the mixed use, office/R&D, educational, and residential areas, pedestrian access shall be provided and promoted. Where necessary, public access will be accommodated around existing structures which are to remain on the site.

Buildings which face onto the Historic District's public promenade shall be designed as publicly-oriented and pedestrian-friendly on the ground floor by the use of features such as arcades, wall articulation, widows, entry areas, and landscaping. These uses should be accessible to the general public, open during established shopping and evening hours, generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity. Lobby space, atriums, and other services that do not generate active commercial frontage should be limited. Uses that generate pedestrian activity are encouraged. They include retail shops, restaurants, bars, theaters and the performing arts, commercial recreation and entertainment, personal and convenience services, hotels, banks, travel agencies, airline ticket agencies, child care services, libraries, museums and galleries. Uses particularly appropriate in these ground floor spaces include but are not limited to galleries, museums, workshops for dance or crafts, restaurants, and retail shops.

g. For the visitor hotel, the ground floor shall be pedestrian-oriented, with pedestrian-oriented entrances facing the channel. Easy access to such public uses as restaurants and gift shops shall also be provided. The hotel elevation facing the esplanade shall be visually and architecturally connected to the public esplanade. This may be done through the use of arcades, paving, landscaping, or other materials. Additional public parking in excess of that required to serve the hotel uses shall be provided at the hotel parking facilities.

h. For the business hotel, the channel edge will be a public pedestrian area where the water and the public esplanade must uniformly provide a welcoming entrance that encourages hotel guests and the public to make use of this amenity. The hotel shall be designed so that the side which faces the boat channel and the esplanade reads as if it were - or might be - the front of the hotel. The hotel elevation facing the esplanade shall be visually and architecturally connected to the esplanade through

the use of arcades, paving, landscaping, or other materials. Additional public parking for visitors to the esplanade shall be provided at the hotel parking facilities.

- i. Regarding signage and telecommunication facilities:
 - No pole signs, rooftop-mounted signs or monument signs exceeding 8' in height will be allowed.
 - No monopole telecommunication facilities will be allowed.
 - Building-mounted telecommunication facilities in the Historic District will be reviewed for conformance with the Secretary of Interior's Standards.
 - Building-mounted telecommunication facilities outside the Historic District will be designed in conformance with the City of San Diego's Land Development Code.
 - Existing FAA equipment will be retained. Any changes to the equipment or any new equipment should create no greater visual impact than existing equipment.

24. **Chapter VI: IMPLEMENTATION** shall be renumbered as **Chapter VII**.

25. **IMPLEMENTATION** Figure 6.1 shall be replaced with a new zoning map that indicates the separate and distinct areas where the RT Residential Townhouse and RM Residential-Multiple Unit designations apply, as shown on the existing figure 2.2, attached to this report as Exhibit #14.

26. **IMPLEMENTATION** – Page 6 shall be modified as follows to add a new section **I WATER QUALITY STANDARDS**:

Proposals to control runoff shall be required of NTC development and include methods for dealing with sediment, petrochemicals, and trash. The policy of the City is to ensure the future health, safety and general welfare of the citizens of the City and to improve and protect the water quality and beneficial uses of receiving waters by controlling stormwater runoff and pollution that may cause or contribute to adverse impacts on recreational access to beaches, or other coastal resources, such as sensitive habitat areas in, or associated with, coastal waters. All development, public and private, shall meet or exceed the stormwater standards of the State of California, and the most recent standards of the Regional Water Quality Control Board with regard to stormwater runoff. Pursuant to this:

1. All development on the first row of lots adjacent to the boat channel and boat channel park shall comply with the provisions of applicable state and federal water quality standards for discharges into sensitive habitat areas.

2. All development shall be designed to minimize the creation of impervious surfaces, reduce the extent of existing unused impervious surfaces, and to reduce directly connected impervious area, to the maximum extent possible on the site.

3. Plans for new development and redevelopment projects, shall incorporate Best Management Practices (BMPs) and other applicable Management Measures contained in the California Nonpoint Source Pollution Control Plan, that will reduce to the maximum extent practicable the amount of pollutants that are generated and/or discharged into the City's storm drain system and surrounding coastal waters. BMPs should be selected based on efficacy at mitigating pollutants of concern associated with respective development types or uses. For design purposes, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.

4. A public participation component that identifies methods to encourage public participation in managing development and minimizing urban runoff impacts to the coast shall be developed. This component should outline a public education and involvement program designed to: raise public awareness about stormwater issues and the potential impacts of water pollution; and, involve the public in the development and implementation of the City's pollution control goals.

5. The City shall pursue opportunities to actively participate in watershed level planning and management efforts directed towards reducing stormwater and urban runoff impacts to water quality and related resources, including restoration efforts and regional mitigation, monitoring, and public education programs. Such efforts will involve coordination with other local governments, applicable resource agencies and stakeholders in the surrounding areas.

6. If a new development, substantial rehabilitation, redevelopment or related activity poses a threat to the biological productivity and the quality of coastal waters or wetlands and if compliance with all other applicable legal requirements does not alleviate that threat, the City shall require the applicant to take additional feasible actions and provide necessary mitigation to minimize the threat.

7. Plans for operation of golf course facilities and managing of stormwater runoff from those facilities should be prepared. Major consideration should be given to use of best management practices and other applicable management measures for the control of erosion and control of pollutants

(nutrients and pesticides from fairways, tees and greens; and nutrients, metals and organic materials from roads and parking lots).

27. IMPLEMENTATION – Page 6 shall be modified as follows to add a new section **J COASTAL DEVELOPMENT PERMIT**:

J. COASTAL DEVELOPMENT PERMIT

This NTC Precise Plan represents the Local Coastal Program land use plan for NTC.

The Implementation Plan for the Local Coastal Program is made up of the following:

- City of San Diego Land Development Code (zoning regulations);
- the Implementation Chapter of this NTC Precise Plan;
- Tables 2.3, 2.5, 2.6, 2.8 2.10, 2.12, 2.13, 2.14, and 2.16 of this Precise Plan which specify zoning requirements
- Figure 6.1 Zoning Implementation Map;
- Appendix A, *Use Restrictions for Runway Protection Zone*, of this Precise Plan;
and
- Appendix B, *Use Restrictions for Visitor and Community Emphasis Overlay*, of this Precise Plan.

If a provision of the City of San Diego Land Development Code conflicts with a requirement of this NTC Precise Plan, the requirement of this Precise Plan shall apply.

With certification of the NTC Local Coastal Program land use plan and implementation program by the Coastal Commission, the City will request authority to issue coastal development permits for qualifying portions of the base. The original and appeals jurisdiction of the Coastal Commission are defined by the Coastal Act. In the event that any area of permit jurisdiction depicted in the Precise Plan is inconsistent with the Coastal Act, jurisdiction shall be determined by reference to the Coastal Act.

Lands subject to the public trust are within the original jurisdiction of the California Coastal Commission.

28. The following Appendix B suggested by City of San Diego staff as a modification to the plan shall be added to the Implementation Plan in its entirety, but as revised below. The strike-out/underline changes show the modifications to the plan as it was submitted by the City:

APPENDIX B

USE RESTRICTIONS FOR VISITOR AND COMMUNITY EMPHASIS OVERLAY

1. Purpose of Use Restrictions

The purpose of these use restrictions is to provide clear, concise, and explicit criteria for land uses within the Visitor and Community Emphasis Overlay (VCEO), as depicted in Figure 2.5(4).

Restrictions on use in the VCEO are defined in terms of types of activities or uses which are considered likely to detract from the visitor and community-oriented nature of the Mixed Use Area. While the entire Mixed Use Area is expected to be zoned with the City of San Diego CR (Commercial - Regional) designation, some uses normally allowed within the CR Zone are specifically excluded from the VCEO.

2. Prohibited Uses Within the Visitor and Community Emphasis Overlay

The following are prohibited uses within the VCEO:

Agricultural:

Agricultural Equipment Repair Shops

Institutional:

Airports

~~Botanical Gardens~~

Churches greater than 5,000 Square Feet

Communication Antennas – Major Telecommunication Facility

Correctional Placement

Energy Generation/Distribution

Homeless Facilities

Hospitals, intermediate care, nursing facilities

Retail Sales:

Building Supplies & Equipment

Pet & Pet Supplies

Agricultural related supplies & equipment

Plant Nurseries

Commercial Services:

Building services
Business support
Financial Institutions over 500 Square Feet
Funeral and Mortuary
Boarding Kennels
Child Care (commercial, large family day care)
Helicopter Landing
Massage, specialized
Outpatient Medical clinics
Recycling collection facilities
Veterinary Clinics

Office:

Medical, Dental, and Health
Regional and Corporation Headquarters over 5,000 Square Feet
Sex Offender Treatment Center

Vehicle and Equipment Sales & Service:

Commercial Sales & Rentals
Commercial repair & maintenance
Personal vehicle repair & maintenance
Outdoor storage & display of new vehicles
Temporary construction storage yards located offsite

Industrial:

Research & Development facilities
Trucking & transportation
Newspaper publishing plants

3. Permitted Uses

The following uses are “permitted uses” within the VCEO:

Residential:

~~Multiple Dwelling Units (not on the ground floor)~~
~~Boarder & Lodger Accommodations (not on the ground floor)~~
~~Fraternities, Sororities & Student Dormitories (not on the ground floor)~~
~~Home Occupations~~
Live/Work Quarters (not on the ground floor)
~~Housing for Senior Citizens (not on the ground floor)~~
~~Residential Care Facilities~~
~~Transition Housing~~

Institutional:

Botanical Gardens

Community Gardens

Churches less than 5,000 Square Feet (not on the ground floor)

~~Communication Antennas—Minor Facility & Satellite Antennas~~

~~Educational Facilities (Kindergarten—Grade 12, Colleges/Universities)~~

Vocational/Trade Schools (not on the ground floor)

Exhibit Halls & Convention Facilities

~~Flood Control Facilities~~

~~Historic buildings used for purposes not otherwise allowed~~

~~Major transmission, relay or communication switching stations~~

Interpretive Centers

Museums

Social Service Institutions (not on the ground floor)

Retail Sales:

Food, Beverage, Groceries

~~Consumer goods, furniture, appliances~~

Sundries, pharmaceuticals, convenience sales

Wearing Apparel

Alcoholic Beverage outlets

~~Swap meets~~

Commercial Services:

Eating & Drinking Establishments

Financial Institutions under 500 Square Feet (Automatic Teller Machines)

~~Maintenance & Repair (consumer goods)~~

~~Offsite Services~~

Personal Services

Assembly & entertainment

~~Radio & television studios~~

Visitor Accommodations

Separately Regulated Uses:

Adult Entertainment (no bookstores or massage parlors)

Bed & Breakfast

~~Camping Parks~~

Child Care (small family day care only)

Eating & Drinking

Fairgrounds

Golf Courses, etc

Instructional Studios (not on the ground floor)

Nightclubs & Bars

Parking as a primary use

Private Clubs, Lodges, Fraternal Organizations (not on the ground floor)

Privately operated Recreation Facilities

Pushcarts

Recycling (drop off facilities only)

Reverse Vending machines

Sidewalk Cafes

~~Sports Arenas & stadiums~~

Theater >5000 or outdoors

Offices:

Non-profit Business & Professional

~~Government~~

Real Estate Sales Offices (not on the ground floor)

Vehicle & Equipment Sales & Service:

Service Stations

~~Industrial:~~

~~Marine related uses in commercial zones~~

Open Space

Active Recreation

Passive Recreation

Allowable Signs

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED, AND FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO LAND USE PLAN, IF MODIFIED

A. AMENDMENT DESCRIPTION/SITE HISTORY

The proposed amendment would establish a new planning segment for the former Naval Training Center (NTC). The NTC Precise Plan and Local Coastal Program consists of both a Land Use Plan (LUP) and Implementation Plan (IP).

NTC is located 2.5 miles northwest of downtown San Diego near the northern-most portion of San Diego Bay. It is bordered on the west by Rosecrans Street and the predominantly single-family neighborhood of Loma Portal; to the north by Lytton Avenue and the Midway Community, a mixed commercial and light industrial area; to the south by a planned 71-acre federal military housing/medical center site; and to the northeast, east, and south by the Marine Corps Recruit Depot (MCRD), a recruit training facility), and San Diego International Airport/Lindbergh Field.

Located within the Point Loma/Peninsula Community of the City, NTC was operated as a military facility by the federal government from 1922 to 1997. In July 1993, the U.S. Navy declared its intention to close the base under the terms of the Base Closure and Realignment Act of 1990. The entire former NTC facility comprised 550 acres, of which 502 were included in the original Declaration of Surplus and the remaining 48 acre were retained for the Navy's Fleet Anti-Submarine Warfare Training Center. Thereafter, the Navy retained an additional 72 acres for the future construction of military family housing and support facilities; the Commission has issued a negative determination for the construction of two-story military family housing and support facilities, including 53 acres of housing, a 7-acre San Diego Unified School District elementary school/park, and 12 acres of medical support facilities. Finally, 52 acres are being conveyed to the San Diego Unified Port District for airport-related uses, and two acres are being conveyed to the Immigration and Naturalization Service for a small arms range.

The site itself is fully developed with buildings, although demolition of non-historic buildings has begun as approved by the Commission through coastal development permit #6-00-167. The only biological resources on the site occur in the boat channel traversing the site in a northeast/southwest direction. Most of the channel is lined with unengineered riprap and concrete. The channel supports some habitat, identified in the EIR for the NTC Redevelopment Project as: ruderal, freshwater marsh, disturbed ephemeral wetland, subtidal estuarine open water, and rocky shoreline habitats. The channel empties into San Diego Bay.

The proposed LCPA involves both a Land Use Plan and Implementation Plan. The NTC Precise Plan is largely organized as a Land Use Plan, with goals and policies governing future development. The City's existing Land Development Code will serve as the

Implementing Ordinances for the area. However, portions of the Precise Plan also serve as implementation measures designed to carry out the policies of the Precise Plan. These sections, include one chapter of the plan titled "Implementation", the tables in the plan that include zoning designations, and the two appendices of the plan which list permitted uses in particular areas of NTC, and are specifically identified in Suggested Modification #27.

NTC is planned as a pedestrian-oriented mixed-use neighborhood with a mix of residential, educational, recreational, office, commercial, and institutional/civic uses (see Exhibit #3). The plan divides the 360 acre site into ten separate land use areas with proposed development as follows:

- **Residential Area:** 350 single-family and multi-family dwelling units on 37 acres
- **Education Area:** Educational and vocational training institutes, public and private schools, educational supplies and services, office/R&D, student living space on 37 acres.
- **Office/Research & Development:** General office uses, business and profession, government, medical, light manufacturing on 23 acres.
- **Mixed Use:** A wide range of commercial, education, recreational, or light industrial uses divided into three land use precincts: Commercial—office, retail, recreation, light industrial; Civic, Arts and Culture Precinct: non-profit offices, restaurants, museums, retail; and Golf Course: a public golf course and ancillary uses. The Mixed Use area is 107 acres total.
- **Park/Open Space:** Active and passive public recreational opportunities including a public esplanade within a 46 acre waterfront park area.
- **Boat Channel:** The existing boat channel may be developed for recreational uses or maintained for natural uses.
- **Visitor Hotel:** A 60-foot high, 350 room hotel and ancillary uses including parking on 21 acres adjacent to the boat channel.
- **Business Hotel:** An 80-foot high, 650 room hotel and ancillary uses including parking on a 16-acre site adjacent to and east of the boat channel.
- **Metropolitan Wastewater Department Area (MWWD):** a new laboratory and office building for City wastewater testing and research on 9 acres.
- **Public Safety Training Institute Area:** A fire, police, medical, lifeguard training institute with offices, classrooms, and field training facilities on 26 acres.

Within the above categories, initial buildout under the proposed LCP would consist of the 350 residential units, 380,000 square feet of office/research and development space, a 36-foot high multi-level parking structure containing approximately 3,750 parking spaces, the 350 room hotel visitor hotel, the 650 room business hotel, 140,000 sq.ft. of laboratory facilities on the MWWD site, and 150,000 sq.ft. of facilities on the Regional Public Safety Training Institute. For a detailed breakdown of the total gross square footage proposed in each planning area, see Exhibit #15.

Currently the site is owned by the City of San Diego, but portions of the site will be sold to private owners. Other portions of the site will remain in public ownership, but will be leased to private development. Exhibit #16 shows the area to remain public, public leased to private, and private. The retained public area includes all of the park/open space area, the boat channel and the MWWD and Public Safety Training Institute area. Almost all of the historic district (described below) will be publicly owned/leased to private development, as will the two hotel sites. The residential, office/R&D, educational, and a small portion of the mixed use area will be privately owned.

Of the total 361-acre site, 34% of the site (124 acres) will remain solely public, 37% will be publicly owned leased to private development (133 acres), and 29% will be sold to private ownership (104 acres). (These figures do not include the 141-acre area retained by the federal government for the development of military housing.)

There is also a designated Historic District at NTC (see Exhibit #3). Beginning with the NTC Reuse Environmental Impact Statement/Environmental Impact Report and continuing with the NTC Redevelopment EIR, the historic resources on the NTC site were reviewed and an inventory of buildings, structures, and cultural landscape elements at NTC developed. Through this process, a Historic District was designated on the site composed of the original core buildings constructed during the 1920s to early 1930s. The Historic District is made up of 52 buildings and structures plus additional open space areas including the golf course. With limited exceptions, it is the exterior of these buildings and structures, plus certain historic open space/landscape areas, that are of particular historic significance.

The NTC Historic District has been nominated for the National Register of Historic Places. Although the National Historic District designation has not been finalized, the San Diego Historical Resources Board has listed the NTC Historic District as a Historical Landmark. In addition, a Memorandum of Agreement (MOA) has been prepared to address the preservation of the historic resources located on NTC. Signatories to the MOA include the Navy, the California State Historic Preservation Officer, the Advisory Council on Historic Preservation, the City of San Diego, and the Save Our Heritage Organization. The MOA contains specific requirements regarding the preservation of structures and landscaping within the Historic District.

Prior to the issuance of any building permit or grading which would affect historic buildings or landscape elements within the designated Historic District, the site developer is required to provide evidence that the development is consistent with the adopted version of the *Naval Training Center San Diego Guidelines for the Treatment of Historic Properties*, *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (June 2000), and *The Secretary of the Interior's Standards for Rehabilitation*, as applicable.

The land comprising the NTC Historic District (excluding the park/open space), the residential area, educational area, mixed-use area, office/research and development area, and hotel areas, were conveyed to the City as an Economic Development Conveyance

(EDC) (see Exhibit #6). The land comprising the park/open space area and the MWW site has been conveyed to the City as a Public Benefit Conveyance (PBC). The boat channel and Regional Public Safety Training Institute site will also be conveyed to the City as a Public Benefit Conveyance in the future; however, potential toxins in the boat channel must be eliminated before the City will except conveyance of this area. At this time, the boat channel remains within the ownership and jurisdiction of the Navy.

The type of land acquisition affects the way in which the land can be developed. The EDC method permits the transfer of property from the Department of Defense to the Local Reuse Authority (LRA) for job-creation purposes. The PBC method permits the transfer of property from the Department of Defense to the Local Reuse Authority (LRA) for public purposes such as education, airport, parks, public health and human services, historic preservation, etc. Suggested Modification #4 adds language to the plan explaining the different types of land acquisition methods.

There are a number of constraints on development at NTC based on the site's proximity to the airport. The northern two-thirds of NTC is affected by aircraft noise levels at or greater than 65 dB CNEL (Community Noise Equivalent Level). Beginning at 65 dB CNEL, residential development is generally considered incompatible. At greater than 75 dB CNEL, office use is generally inappropriate, and at greater than 80 dB CNEL, industrial uses are generally inappropriate.

In addition, the San Diego International Airport Runway Protection Zone (RPZ) overlays a portion of the northeast corner of the base (see Exhibit #17) which encompasses a portion of the Historic District, the Park and Open Space Area, and the Boat Channel. There are significant restrictions on the types, height, and density of land uses within the RPZ. There are existing structures within the RPZ which can be used and rehabilitated, but no new structures are permitted within the RPZ, and permitted uses cannot result in an intensity of use greater than the intensity of use historically present within the RPZ. Many uses, such as hospitals, schools, multiple dwelling units, senior or transitional housing, and visitor accommodations are prohibited outright. Office, light manufacturing, passive recreation, and parking are some of the permitted uses in the RPZ. Thus, development in the LCP NTC was planned to accommodate these airport-related restrictions.

Since the amendment was originally submitted to the Commission, the City has submitted two new sections to the Precise Plan: "Coastal Element" as a new Chapter 6 to the Plan, and "Appendix B Use Restrictions for Visitor Emphasis Overlay". Since these sections have not been formally adopted by the City Council as part of the proposed Local Coastal Program Amendment, the sections must be incorporated into the plan as suggested modifications. Suggested Modification #23 and #28 include these new sections in their entirety; the underline/strikeout revisions shown in the modifications are the recommended changes to the City's submittal.

B. STATE LANDS TRANSFER/COASTAL PERMIT JURISDICTION

On February 2, 2001, the State Lands Commission approved a property settlement and exchange between the City of San Diego and the State Lands Commission to formally establish the boundaries of public trust lands on NTC. According the State Lands Commission, in 1911, the state granted to the City of San Diego the tide and submerged lands with San Diego Bay, "situate on the city of San Diego side of said bay," lying between the mean high tide line and the pierhead line, in trust for purposes of commerce, navigation, and fisheries and subject to the terms and conditions specified in that act. Beginning in 1916, the city made several transfers of portions of the granted land to the United States for purposes of constructing and operating what came to be known as the Naval Training Center, San Diego. The Navy also acquired and developed substantial acreage for NTC that was historically uplands, never property of the State of California, and not subject to the public trust.

Since that time, the Navy filled in portions of the bay to create more land area, and developed the site as a military training facility. As the base closure process began and NTC land was granted to the City of San Diego and the San Diego Unified Port District, the State Lands Commission began reviewing the site and determined that the configuration of trust and non-trust lands was such that the purposes of the public trust could not be fully realized. The State Lands Commission found that it was more difficult to achieve the purposes of the public trust because certain filled and reclaimed tidelands within the NTC site have been cut off from access to navigable waters, and are no longer needed or required for the promotion of the public trust, or any of the purposes set forth in the city granting act. Still other lands with NTC which *are* directly adjacent to the waterfront or are otherwise of high value to the public trust were not public trusts lands. Furthermore, the City of San Diego and the State Lands Commission were not in agreement as to the boundaries of the land that was subject to the public trust.

Thus, the City and the State Lands Commission agreed on a trust exchange, whereby portions of land which were not or may not have been subject to the public trust now will be, while other land area will be removed from the public trust. The exchange also settles the dispute between the City and the State Lands Commission regarding the boundary of the trust lands. The Naval Training Center San Diego Public Trust Exchange Act, SB 698, expressly authorizes this exchange. Exhibit #18 is the staff report and agreement approved by the State Lands Commission. The boundaries of the new trust lands are attached to the State Lands staff report, and also shown on a new Figure 1.8 in the Precise Plan, attached to this report as Exhibit #5.

Neither exhibit shows the existing public trust boundary on the site, because the City and State did not agree on the location of this boundary. However, the State Lands Commission did determine that the areas where the public trust is being eliminated were not necessary or useful for commerce navigation or fisheries, and that these interests would be better served by acquiring interest in the new public trust parcels. The State Lands Commission also found that the economic value of the new public trust parcels are

equal to or greater than the sovereign land title within the trust termination lands that are being relinquished.

As per the agreement, approximately one-third of NTC will be subject to Tidelands Trust restrictions. The Tidelands Trust prohibits private sale or encumbering of state tidelands and limits development on tidelands to commerce, recreation, navigation, fishery-related uses, and other general State interest uses. Visitor-serving facilities such as hotels, restaurants, marinas, parks, airports, and preservation of lands in their natural condition are other allowable uses.

The agreement has been approved by the State Lands Commission , but the final legal description of the lands to be exchanged is still being drafted. The exchange agreement does not take effect until it receives the governor's signature. This is expected to occur sometime later in 2001.

Until the exchange of public trust lands occurs, lands currently subject to the public trust will remain within the Commission's original jurisdiction. Once the exchange is completed, certain lands specified in the exchange agreement will be relieved of the public trust and will no longer be subject to the Commission's original jurisdiction. Other lands specified in the exchange agreement that are not currently public trust lands will become public trust lands and will be subject to the Commission's original jurisdiction.

The Commission suggests the following modification to the LUP to clarify that certification of the NTC LCP will not affect the Commission's original jurisdiction over public trust lands: "Lands subject to the public trust are within the original jurisdiction of the California Coastal Commission" (Suggested Modification #27).

Currently, the Rosecrans Street is the first public road paralleling the sea in the vicinity of NTC. Although there are streets within NTC that are located between Rosecrans and the sea, they do not currently meet the definition of "first public road paralleling the sea" established by Sections 13011 and 13577 of the Commission's regulations. It is anticipated that the City will make improvements so that one or more of these streets will satisfy the conditions for becoming the first public road. Until then, Rosecrans will remain the first public road and all coastal development permit applications approved by the City for development located between Rosecrans and San Diego Bay will be within the Commission's appeal jurisdiction. Once any streets seaward of Rosecrans satisfy the regulatory definition of the first public road, the inland boundary of the new first public road will automatically become the Commission's appeal jurisdiction (unless the new first public road is within 300 feet of San Diego Bay).

C. PROPOSITION D APPLICABILITY

On December 7, 1972 the citizens of San Diego approved Proposition D, which imposed a 30-foot height restriction on the majority of the coastal areas within the City of San Diego. Some areas, such as downtown, were exempted from the height limits. In

addition, Proposition D does not apply to land owned by the Federal Government, the state, or the Port District. Proposition D, however, did not expressly address whether it would become applicable to land owned in 1972 by the Federal Government but later transferred to some other entity.

The City of San Diego interprets Proposition D as applying only to land that was subject to its provisions upon passage, and not to land over which the Federal Government later relinquished jurisdiction. Accordingly, the draft NTC LCP submitted by the City does not apply Proposition D's 30-foot height restriction to NTC.

The Commission reviews the City's LCP submittal pursuant to the requirements of the Coastal Act. The provisions of Proposition D do not govern the Commission's review any more than any other uncertified local ordinance or resolution. Given that the City of San Diego has not proposed imposing Proposition D's 30-foot height restriction on development within NTC and that the Commission has not previously certified a 30-foot height restriction for NTC, the Commission must base any suggested modifications to the LUP regarding height limitations on the policies of Chapter 3. In areas where a particular height limitation is necessary to protect coastal resources, the Commission may suggest modifications to impose that limitation. The policies of Chapter 3 are applied to the affected coastal resources and govern the Commission's determination of which particular height limitations to apply, not the provisions of Proposition D.

D. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone, unless modified as addressed in detail below.

E. CHAPTER 3 CONSISTENCY

1. Public Access. The Chapter 3 policies most applicable to this planning area are as follows, and state, in part:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

[...]

Findings for Denial

The 361-acre former NTC site is located adjacent to the San Diego Boat Channel, next to San Diego Bay in a prime urban environment. It is unlikely that a development area of similar size and potential will become available again in the future. As such, it is important that public access and recreational needs are provided for in the plan. It is particularly important that lower cost, public and visitor-serving facilities are provided for on this site, given that the site has historically been in public ownership.

The plan provides for public access through and around the site. A 46-acre park and a public plaza will be located adjacent to the boat channel. Both active and passive recreational facilities are planned for the park area. Sidewalks and internal paths will connect the residential, office, and mixed use areas of NTC to the waterfront park. A public esplanade is planned which will parallel the edge of the boat channel and connect with a public promenade planned through the mixed use and residential areas. The street system in the development must be public and open (existing historic, ornamental gates will remain at several entry points).

The esplanade will maintain a minimum dimension of 100 feet on the west side of the channel in the park/open space area and maintain a minimum dimension of 150 feet adjacent to the proposed visitor hotel. The plan is less specific regarding the required width of the esplanade on the east side of the channel, stating only that the esplanade "should" maintain a minimum depth of 150 feet from the water's edge to the business hotel, with that dimension tapering to 50' at the very north end of the site near the RPSTI, where it is interrupted by existing buildings.

Thus, in general, the LUP is supportive of and provides public access. However, as noted, some of the plan policies referring to the esplanade are vague regarding both the width and the public status of the esplanade. In addition, although construction of the esplanade is clearly a proposed project, construction may not actually occur until after substantial redevelopment of the site has begun. Construction activities and new development could potentially block access to the waterfront, or simply make it difficult for people to know that public access along the boat channel is currently available. Without specific policies in the plan requiring that public access to the waterfront be maintained and promoted even before the esplanade is actually constructed, development activities on the rest of the site could actually reduce public access to the boat channel.

One of the goals of the plan states that public access and recreational opportunities shall be provided consistent with "private security requirements." This requirement is unclear and could suggest that public access to public park areas, for example, could be restricted if neighborhood security concerns were raised by residents.

Therefore, as submitted, the proposed LUP is not consistent with the public access policies of the Coastal Act, and cannot be certified.

Findings for Approval if Modified

Because the plan does provide for the provision of access to the waterfront and around the site, many of the suggested modifications to the LUP simply clarify that the planned development such as the esplanade, the MWW and RSPSTI are *public* facilities. Other suggested modifications change the policies regarding the width of the esplanade to ensure that this public accessway "shall" maintain a minimum average depth of 150 feet from the water's edge to the business hotel. In other words, the width of the esplanade can vary for design reasons, but on average must be at least 150 feet wide. The policy regarding access and private security requirements has been revised consistent with Section 30212, which requires that public access be provided in new development except where inconsistent with public safety and habitat protection.

Language has been added to the plan requiring that public access to the waterfront remain available even before the esplanade is constructed, and requiring that signage directing the public to the waterfront be provided prior to occupancy of any new commercial or residential development at NTC. Thus, the Commission can be assured that public access to the waterfront will be available and promoted regardless of the timing of the public esplanade.

Therefore, as modified, the Commission finds that adequate public access will be provided to and around NTC, consistent with the Chapter 3 policies of the Coastal Act.

2. Public Recreation. The Chapter 3 policies most applicable to this planning area are as follows, and state, in part:

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30212.5.

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220.

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221.

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222.

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224.

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Findings for Denial

As noted under the public access finding above, the provision of public recreational facilities is critical on the NTC site, given its central San Diego location and proximity to the waterfront, and its historic public ownership.

The proposed plan provides for public recreation in a number of ways. The Park and Open Space area is intended to provide active and passive recreational opportunities for residents of greater San Diego area and the surrounding Peninsula Community. Both active and passive recreational use would occur within the 40-acre waterfront park, and the 6-acre public esplanade would also be available for pedestrians and bicyclists.

A public plaza extending from Navy Building 200 through Ingram Plaza to the boat channel has been planned as a major public space designed to bring visitors to the water. The plaza would link the Historic District and the waterfront, and is conceived as a site for public gatherings, strolling, and snack carts.

There are a number of policies identifying the boat channel as a recreational resource. The plan notes future study is required to identify what types of recreation (passive or active) may be appropriate on the boat channel. Potential conflicts between the recreational use of the boat channel and habitat concerns are addressed in detail under Sensitive Biological Resources, below.

Historically, there were several recreational facilities on the site, including swimming pools and a bowling alley, although they were not open to general public use. The plan proposes a community swimming pool or aquatic center and a lighted multi-use sports field and/or areas for court sports or general play, although the plan does not require that these facilities be open to the general public. However, the plan provides for little else in the way of public community recreational facilities.

Under the public recreation policies of the Coastal Act, lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Currently, the Peninsula Planning Board meets in one of the buildings in the historical district. Clearly there is currently a demand for community meeting facilities on the site. This need will only grow as NTC is developed. A community center is an important public recreational amenity that benefits both residents and visitors to a community, and could be provided either in existing or new buildings at NTC. However, there are no policies in the plan requiring or encouraging such facilities. This is a serious deficiency in the plan. The failure to provide public recreational facilities is inconsistent with the Coastal Act.

Navy Building 623, a former chapel next to the visitor hotel could function as a community meeting center. The plan currently states that this building could function as a convention center for hotel meetings, operate independently for non-hotel activities and community events, or be used for activities as diverse as religious activities or retail commercial sales. However, given its location next to the hotel, there is a high potential that the building could be converted into essentially an conference annex of the hotel, restricting access to only hotel guests or conference attendees. This building is an important public and historic resource and excluding the public entirely from the structure would not be consistent with the recreational policies of the Act.

Visitor-serving recreational amenities proposed in the LUP include two hotels, identified as a "visitor" hotel, and a "business" hotel. The visitor hotel may include a dock in the boat channel for small boat rentals. Both hotels would be located on the boat channel adjacent to the public esplanade, the visitor hotel on the east and the business hotel on the west. Thus, it is particularly important that the hotels be oriented towards and inviting to the public, to avoid the appearance of the esplanade being a private amenity of the hotels.

However, the proposed plan only suggests that the visitor hotel be oriented towards the public, and does not include any specific guidelines on how a public orientation might be achieved. In addition, it is not clear from the plan whether the boat dock associated with the hotel would be publicly accessible. Under Section 30233 of the Act, the placement of structural pilings for public recreational piers that provide public access and recreational opportunities, would be a permitted use in open coastal waters; other types of docks might not be. As submitted, the plan does not identify whether public access and recreational opportunities would be associated with a dock at the hotel.

The plan does provide for the potential construction of some lower-cost visitor-accommodation in the form of student housing or a long-term transient occupancy hotel which services both the educational and mixed use areas. These kind of facilities are often made available to the general public for temporary accommodations when not being used by students. However, this type of short-term public use is not provided for in the plan as submitted.

Overall, with the notable exception of the park/open space, the plan does not include a significant amount of land area specifically designed and dedicated for visitor-serving uses. As proposed, the area would be zoned "Commercial Regional" which allows for a broad mix of business/professional office, commercial services, retail and limited manufacturing uses. Given the size and coastal location of the planning area, the lack of designated visitor-serving land area is a significant concern.

The plan does include a public promenade running through much of NTC, from Lytton Street through the mixed use, office/R&D, educational, and residential area. This would be an ideal location to concentrate visitor-serving, pedestrian-oriented uses. The plan does allow for these types of uses along the promenade, but does not require it, and thus, there is no assurance that visitor-serving uses will actually be provided.

The plan also provides for very little community-oriented recreational or commercial development. The proposed Civic, Arts, and Culture Precinct is 25 acres and encourages community and visitor-serving uses such as "non-profit offices, restaurants, museums, and retail activities...conferences, classes, performances, meetings, and special events on a short-term basis." But the allowable uses in the area are virtually any office, commercial educational, recreational, or light-industrial use that can tolerate high aircraft noise levels and function in a historical structure. Thus, as proposed, there is no assurance that community uses will be developed in this area.

Thus, as proposed, the plan does not adequately reserve upland area for recreational uses, or provide for the protection and promotion of visitor-serving uses, and the LUP cannot be certified as certified.

The golf course on the site is proposed to remain. This facility is an important recreational resource which should be protected for the general public. But the City has indicated that the site will be a private facility not operated as a municipal golf course, and the plan does not have any provisions for protecting public access, such as an

assurance that the course will be always be open to the general public, and not operated as a members-only facility. Although the course was previously operated by the Navy and was not open to any member of the general public, it is a publicly owned facility, and allowing it to be closed to the public would not be consistent with the public recreation policies of the Coastal Act.

Findings for Approval if Modified

The Coastal Act requires that lands suitable for visitor-serving commercial recreational have priority over private residential, general industrial, or general commercial development. The land at NTC has historically been public property, although not widely available to the general public. While the economic realities of development costs must be acknowledged, redevelopment of NTC must take into account the fact that publicly owned land should be developed in a manner that benefits the general public.

A majority of the land at NTC (257 acres out of 361 acres, or 71%) will remain in public ownership. However, 133 acres (37%) will be leased to private development for the development of a variety of commercial uses. This includes the area where the hotels are proposed, and most of the Mixed Use area. The remaining 104 acres (29%) of the site will be sold into private ownership. Except for the hotel areas, the plan does not require that any of the publicly owned/private leased land be exclusively reserved for visitor-serving development. Additionally, as noted above, the plan also provides for very little community-oriented recreational or commercial development. The City has proposed a suggested modification imposing a "Visitor Emphasis Overlay" on a portion of the mixed use area around much of the public promenade. There would be use restrictions on development in the VEO that would emphasis visitor-serving uses.

The Commission feels that the concept of a visitor emphasis overlay is a good one; however, the proposal from the City does not go far enough. The NTC site is truly unique in San Diego, as a publicly-owned waterfront development area. It is critical that both the history of the site as public land, and the appropriateness of the site for visitor-serving uses be respected. Thus, Suggested Modifications have been added that designate a Visitor and Community Emphasis Overlay (VCEO) that is significantly larger than the area suggested by the City (see Suggested Modifications #10 and #11). In addition, the use restrictions have been tailored to ensure that all of the development allowed in the VCEO is either visitor-serving or community oriented (See Findings for the Implementation Plan, below).

Exhibit #11 shows Figure 2.5(4) which is the VEO originally suggested by the City, as modified to expand the VCEO to cover a larger area. As can be seen by comparing Exhibit #11 to Exhibit #16, the VCEO covers almost the entire area of publicly-owned land located on the northern portion of NTC. An area proposed for commercial development between the golf course and the Civic, Arts, and Culture precinct has been excluded from the VCEO, which would allow a wider range of development to take place as proposed by the City. But as modified, the land area at the main gate entrance, around

the length of the public promenade and on either side of the public plaza must be developed with public recreation, civic/community, and/or visitor-serving uses.

The VCEO would represent approximately 65 acres of land at NTC out of a total 237 acres of land proposed to be developed with private development (on both privately and public-owned land). The golf course represents 22 of those acres. There will still be more than sufficient area on site that can be developed with a wide range of general commercial, industrial, educational, office, and research and development uses. But one segment of the community will be devoted to public and visitor-serving uses consistent with the site's waterfront location and historical use for public purposes, and the Chapter 3 policies of the Coastal Act.

Suggested Modification #10 requires that buildings around the public promenade be architecturally consistent in a manner which encourages pedestrian orientation around this important public access corridor.

Suggested Modification #23, Section F.3.g and h, require that for both hotels, the channel edge must be a public pedestrian area providing a welcoming entrance for both the public and hotel guests. The hotel entrances facing the esplanade must be visually and architecturally connected to the esplanade through the use of paving, landscaping or other materials. The hotel entrance of the visitor hotel shall be pedestrian-oriented with easy access to such public uses as restaurants and gift shops. Thus, public pedestrian access will be maintained around the commercial recreation facilities of the hotels.

As modified (see Suggested Modification #12) the golf course would not have to be owned and operated by the City; however, the course must be available for the general public (for a fee), and not available to only members of a particular group or club. Thus, this resource will be preserved for public use.

Suggested Modification #23, Section C.2 requires that a community recreation center suitable for community meetings and assemblies, be provided on the site. As noted, this use could be accommodated at the existing Navy chapel building. Suggested Modification #15 requires that the chapel building not be used exclusively for hotel activities or other private uses on a permanent basis, and that community, civic, and/or public uses be given first priority for use of the Naval structure.

In order to provide for the potential public use of any long-term transient occupancy facility, residential hotel or European style pensions which may be constructed at NTC, Suggested Modification #6 and #7 add language stating that the development of this type of facility should be a high priority, and that where feasible, such living spaces should be made available for short-term use by the general public.

In conclusion, the plan as submitted provides for development that is generally consistent with public access and recreation, but lacks specific policies that ensure public and community recreational uses will be provided and protected. More significantly, the plan lacks policies that ensure that public recreational, visitor-serving commercial, and

community oriented facilities will be provided. Suggested Modifications have been added that add a Visitor and Community Emphasis Overlay which restricts development on an approximately 65 acre area of the site to only those high priority Coastal Act uses that are visitor-serving, community and public recreational uses. Only as modified, can the plan can be found consistent with the public access and recreation policies of the Coastal Act.

3. Sensitive Biological Resources. The Chapter 3 policies most applicable to this planning area are as follows, and state, in part:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232.

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30233.

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

[...]

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Findings for Denial

For the most part, the NTC site is completely built out and contains few natural resources. Thus, there are few policies in the proposed LUP regarding the protection of environmentally sensitive habitat. However, the San Diego Boat Channel does cross the site. The boat channel is a waterway clearly used by rafting birds and may also be used by foraging and nesting bird species. As noted above, there is also a limited amount of habitat and sensitive biological resources within the waterway. In addition, the entire NTC site drains directly into the boat channel, thus, changes in the nature of the runoff in terms of volume and chemical constituents could adversely impact the channel.

The plan policies call for additional study to determine how the boat channel will be used, whether the sides of the channel (which are now covered with rip-rap) should be altered, and what kind of channel maintenance is necessary. Other policies note that the boat channel is seen as a recreational resource and is expected to be made available for small water craft, including boat docks and no-wake sailing, motoring, rowing, and paddling, with recreational launching primarily located near the south end of the park.

However, Chapter 3 of the Coastal Act is very clear on what uses are permitted in wetlands and open coastal waters, and there are no policies in the plan setting parameters for allowable uses in the boat channel, regardless of the ultimate result of future environmental studies. Additionally, it is not clear in the plan that recreational uses would only be permitted if the development would not adversely impact sensitive habitat. Thus, the plan language does not adequately provide for the protection of environmentally sensitive habitat areas.

The plan contains only limited policies regarding the treatment of polluted runoff. The new plan chapter suggested by the City states that the biological productivity and the quality of coastal waters shall be maintained in part by controlling runoff, but does not have policies outlining how this will be achieved. Without a plan for actually implementing water quality Best Management Practices, the plan cannot be found consistent with the resource protection policies of the Coastal Act, and cannot be certified as submitted.

Findings for Approval if Modified

Suggested modifications have been added that will increase and ensure the protection of biological resources in several ways. New policy language in Suggested Modification #23, Section E specifies that only the uses listed in Section 30233 of the Coastal Act are permitted in wetland and open coastal waters. Language has been added in Suggested Modification #23 Section E.3.b. clarifying that while the boat channel is a public recreational resource, preservation of any existing habitat must take priority over public access to the channel. Since future environmental studies will determine the appropriate use and planning policies for the boat channel, as modified, the plan has been modified (Suggested Modification #23 Section B) to indicate that incorporation of the boat channel into the LUP will require an amendment to the plan in the future.

Suggested Modification #14 also revises plan policies which, as written, state there will be a boat dock associated with the MWWD development, to indicate that there "may" be a dock at this site, since the environmental impact of such a dock has not yet been determined.

Suggested Modification #22 adds a requirement that development must include specific methods for dealing with sediment, petrochemicals, and trash, including the requirement that all new development meet or exceed the stormwater standards of the Regional Water Quality Control Board with regard to stormwater runoff. Plans for new development and redevelopment projects must incorporate Best Management Practices (BMPs) that will reduce the amount of pollutants entering the boat channel.

As modified, the land use plan ensures that new development will not have direct or indirect adverse impacts on sensitive resources or water quality. Therefore, the Commission finds that, as modified, the proposed land use plan is consistent with all applicable resource protection of the Coastal Act.

3. Visual Resources. The Chapter 3 policy most applicable to this planning area is as follows, and states, in part:

Section 30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

Findings for Denial

The NTC site slopes gently south from Rosecrans towards the boat channel. There are no ocean views from the property, but there are views of the downtown skyline. The plan has some general policies regarding view protection, but does not specifically identify view corridors which must be protected or promote the creation of new public view corridors. Nor are there plan policies which discuss specific ways in which views must be protected (e.g., setbacks, design standards, limitations on signage, etc.).

The plan does have an exhibit showing view corridors within the plan area, but does not identify any plan policies associated with these views. Thus, as proposed, the plan does not provide adequate protection of scenic public views.

In addition to concerns about the protection of specific view corridors, the proposed building heights allowed in the plan also have the potential to adversely impact the character of the surrounding community. As discussed above, NTC is not subject to the Proposition D imposed 30-foot height limit which applies to much of the Coastal Zone in the City of San Diego. There are 81 existing buildings on the site that are over 30 feet in height; 21 of these structures are over 40 feet in height, with the tallest building on site 48 feet (see Exhibit #19). Thus, there is a historic pattern of development greater than 30 feet in height on the site.

The NTC development area can be characterized as a transitional area between a lower-scale, single-family neighborhood (Peninsula, Roseville) and the high-rise commercial structures on Shelter Island and Harbor Island, which are within the San Diego Port District's jurisdiction, and are not subject to the 30-foot height limit. The NTC site is also adjacent to Lindbergh Field Airport, which is next to the downtown Centre City community, which is also not subject to the 30-foot height limit and is characterized by extensive high-rise residential and commercial development.

Nevertheless, as proposed, the plan would allow for some heights significantly greater than those on the existing site. The plan would allow development up to 40 feet in height in the Residential area, 45 feet in the Mixed Use area, 60 feet in the Office/R&D area, 60 feet for the Visitor Hotel, 80 feet for the business hotel, 50 feet for the Metropolitan Waste Water Development (MWWD), 45 feet for the Regional Public Safety Training Institute (RPSTI), and 30 feet in the Park/Open Space area.

Building heights can adversely impact the scenic quality of the environment in two main ways. The first would be if buildings were to block areas providing public views of the ocean or of particularly scenic visual quality; that is, areas that are or should be designated as public view corridors. As noted above, as submitted, the plan does not adequately identify or protect view corridors across the site. Once these particular corridors are protected, the second way in which heights matter would be if new buildings were constructed higher than existing development such that the scale of the buildings are out of character with the surrounding community, and such character is negatively affected.

Of most concern in the NTC plan is the proposed 40-foot height limit for residential development, and the 60 foot height limit for office/research and development. The residential zone is adjacent to Rosecrans Street and the existing single-family development across Rosecrans, and thus raises the greatest potential for conflicting with the character of the surrounding community. Not all coastal communities in the San Diego region have a 30-foot high limit. For example, the certified LCPs for the City of Oceanside and the County of San Diego allow single-family residential development to reach 35 feet in height, and Coronado allows residential development up to 40 feet.

Height restrictions that the Commission has certified for other neighborhoods do not restrict the Commission's analysis of what height restrictions are appropriate for NTC. Nevertheless, 40-foot high development would be a significant departure from the norm in most of the San Diego County, and certainly within the City of San Diego. Under the proposed plan, a maximum of 350 residential units would be allowed at NTC, of which at least 150 must be single-family and at least 100 multi-family. The construction of 350 structures at 40 feet in height would be a substantial, adverse change in the character and appearance of the neighborhood, inconsistent with the visual protection policies of the Coastal Act.

The proposed office/R & D development is proposed in the middle of the NTC community, adjacent to the park. Allowing development in this location up to twice as high as surrounding development could adversely alter the nature of the community. The City has submitted an exhibit showing that only one area of the office/R & D area would actually be developed with 60-foot high development, while the rest of the site would be developed with 40 or 45-foot development (see Exhibit #7). Given that NTC slopes downward towards the boat channel, buildings of 40-45 feet high, in the middle of the NTC development, probably would not be particularly visible or prominent. But even one 60-foot building would be out of scale of with the community.

The plan does contain some policy language regarding the screening of a proposed parking structure off of Rosecrans; however, the plan does not contain language requiring screening of all parking lots/structures, and the preservation of trees, where feasible, to minimize the impact of new development. There are numerous plan policies requiring that development respect the historical character of NTC, but it is not clear in the proposed plan that all development must comply with the *Naval Training Center San Diego Guidelines for the Treatment of Historic Properties*. Therefore, as proposed, the LUP cannot be found consistent with the visual resource policies of the Coastal Act.

Findings for Approval if Modified

Suggested modifications have been added that identify four major view corridors through NTC from Rosecrans down to the boat channel (see Exhibit #12). The view corridors are located along existing streets and include the sidewalks on either side of the street. Specific policies have been added requiring that these public corridors be protected as necessary with setbacks, design standards, building orientation, etc. No pole signs,

rooftop-mounted signs or monument signs exceeding 8' in height will be allowed, and no monopole telecommunication facilities will be allowed. Regardless of height limitations on particular areas of NTC, no view blockage of these corridors would be permitted.

Suggested modifications add policies for the three panoramic viewsheds over NTC, observable from publicly accessible off-site areas. To avoid negatively affecting these panoramic views, no new on-site development at NTC may exceed 45 feet within 600 feet of Rosecrans.

In addition, policies have been added which protect existing "framed views" which are identified on Figure 4.1 of the plan. These corridors do not provide complete through-views, but rather "occasional framed views" through arcades and in the spaces between buildings, and no new development will be allowed which would block these views.

With regard to allowable building heights and community character, the City has suggested that only a limited number of single-family residences be allowed to reach a height maximum of 36 feet, not 40 feet, while the majority of structures would have to conform to a 30-foot height limit. This would substantially reduce the visual impact of the residences. Suggested Modification #5 requires that no more than 25% of the single-family residences be permitted to reach a height limit 36 feet. In addition, the modification requires that none of the residences adjacent to Rosecrans exceed the 30-foot height limit. Allowing approximately one in every four residences an additional 6 feet in height will permit some variety in the appearance of the neighborhood with little or no impact on the surrounding community.

The modification requires that multi-family structures be no higher than 36-feet in height. The plan designates the multi-family area further east in NTC than the single-family residences, farther away from Rosecrans Street and the Loma Portal neighborhood, on a lower elevation (see Exhibit #14). This gradual increase in height limits further away from existing neighborhood residential areas is not expected to substantially alter community character and no public view blockage will result. Thus, 36-foot high multi-family residences can be found consistent with the visual protection policies of Chapter 3.

As proposed, the hotels will be some of the highest buildings on NTC. The visitor hotel would be as high as 60 feet, and the business hotel, 80 feet. However, the hotels are proposed to be sited along the Harbor Drive side of the development. This area is immediately across the street from existing Navy development which is approximately 4-5 stories high, and near by to the high rise hotels on Port property. In this location, buildings 60-80 feet in height would not be conspicuous or unusually prominent. In addition, the nearest existing development to the business hotel would be the airport, and a tall structure would not be visually incompatible with this industrialized use. The hotels would be located on the lowest elevation portion of the site, on the eastern side of NTC. At this location, the hotels would not block any skyline views from Rosecrans or from the park/open space area. Similarly, the MWWD and RPSTI buildings would be located on the far (east) side of the boat channel, adjacent to the airport, well within the interior of NTC and sufficiently removed from the surrounding community that two

buildings 45 to 50 feet are not expected to adversely impact the character of the community.

The majority of the mixed-use area is within a designated historic district, and consists mainly of existing buildings. New structures must be consistent with the character and appearance of the historic district. Thus, allowing a 45-foot high limit in the mixed use area is not expected to significantly change the visual character of the area. The plan does call for development of a parking structure in the mixed use area adjacent to Rosecrans, which could have an adverse visual impact. However, the plan includes language stating:

The parking structure should be designed to take advantage of the grade change between Truxtun and Rosecrans by stepping into the site to minimize visibility along Rosecrans. The design of the structure should be complementary to the Historic District in massing, design and materials. The overall height at the Truxtun side should not exceed that of the historic buildings on the east side of the street. The overall height on the Rosecrans side should not exceed two stories above Rosecrans. However, consideration should be given to limiting much of the height to one story above Rosecrans.

Thus, a 45-foot high limit in the Mixed Use is not expected to have an adverse visual impact on the surrounding community.

Suggested modifications have been added which require screening of all parking areas. Where feasible, existing trees must be retained to minimize the visual impact of new development. Suggested Modification #2 makes it clear that all new development must conform to the *Naval Training Center San Diego Guidelines for the Treatment of Historic Properties* and the *U.S. Secretary of the Interior's Standards and Criteria for the Treatment of Historic Properties*.

In summary, the plan can be found consistent with the visual protection and community character policies only as modified to add specific public view corridors and view corridor protection policies. As long as public view corridors are protected, allowing some heights greater than 30 feet at NTC will not adversely impact the character of the community. Given the site topography and planned development layout, if the plan is modified to allow very limited single-family residences at 36 feet in height, 36-foot high multi-family residences, and 40-45-foot high office/R & D structures, community character will be protected. As so modified, the LCP can be found consistent with the visual resource protection policies of the Coastal Act.

4. Intensity of Development. The Chapter 3 policies most applicable to this planning area are as follows, and state, in part:

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings.

Findings for Denial

Given the project's near-coast location, the impact the potential development will have on traffic and circulation in the area is a significant concern. The EIR for the NTC Redevelopment analyzed the impacts to traffic in two different ways, both by comparing the expected traffic generation from the redevelopment to the traffic that was generated when NTC was a fully operating Naval training center (the incremental impact), and by simply assessing the overall traffic impacts expected from the redevelopment (total project impact).

The EIR found that the incremental impact of redevelopment would result in significant unavoidable project-specific and cumulative impacts to transportation and circulation that cannot be mitigated to below a level of significance. These impacts include approximately 18 offsite roadway segments impacted, three offsite intersections with congestion impacts, three onsite roadway segments that would operate at level of service (LOS) E or F under buildout, two onsite internal unsignalized intersections would have

congestion impacts, and seven freeway segments would be impacted. Exhibit #20 lists the roadway segments that would be impacted under buildout condition. Of greatest concern from a coastal access perspective would be the impacts to Rosecrans Street, North Harbor Drive, and Pacific Highway, all of which are major coastal access routes.

Some of the street improvements proposed to reduce but not eliminate the impacts include:

- Adding an additional southbound left-turn lane at the intersection of Rosecrans Street and Worden Road
- Adding a southbound left-turn and right-turn lanes and a northbound left-turn lane at the intersection of Rosecrans Street and Nimitz Boulevard
- Adding an eastbound shared left/through lane, a westbound left-turn lane, a northbound through lane and a southbound through lane at the intersection of Rosecrans Street and Lytton Street
- Adding a westbound right-turn lane, a westbound shared left-turn/through lane, and a northbound right-turn lane at the intersection of Rosecrans Street and Laning Road
- Adding an additional northbound lane on Rosecrans Street along the project's frontage from Laning Road to Lytton Street
- Construction of Laning Road from Rosecrans Street to Cushing Road as a modified two-lane collector and south of Cushing Road to North Harbor Drive as a four-lane modified collector.

New traffic signals are also proposed.

Redevelopment efforts always present challenges with regard to traffic and circulation patterns. Section 30250 of the Coastal Act supports the construction of new development in existing developed areas to decrease sprawl and impacts to open space. Yet many older neighborhoods were planned with street patterns and parking and traffic capacities that are inadequate for denser development.

As noted in the NTC Redevelopment EIR, the roadway system around NTC was developed many years ago and traffic volumes have increased gradually over the years as development in the area has intensified. There have been few improvements made to the roadway segments in the vicinity over the past several years, and as a result, the area has experienced growth in traffic without increases in roadway capacity. Traffic is expected to worsen even without new construction at NTC. Mitigating these circulation impacts is problematic since widening the streets to provide increased capacity would entail substantial right-of-way acquisition and roadway construction and would alter the character of the community. In many cases, existing development patterns preclude roadway widening.

Thus, the Commission is faced with the challenge of balancing the advantages of redeveloping an existing neighborhood with the economic reality that development

projects must be constructed with densities adequate to provide an economic return, thus very likely burdening the existing circulation system.

The impacts to coastal access resulting from the development at NTC would be indirect, but important. There are no beaches that would be impacted, and most of the traffic impacts would be associated with through traffic at peak commuter hours on weekdays. Thus, the heaviest impacts would likely be to local residents and airport users. Coastal recreational facilities most likely to be impacted would be Cabrillo National Monument and the parks on Port property on Shelter Island, Harbor Island and at Spanish Landing Park adjacent to San Diego Bay. Access to visitor-serving commercial facilities in these areas could also be impacted.

One way to help alleviate traffic congestion over the long-term would be to increase public transit opportunities. Despite the traffic and circulation concerns associated with the redevelopment of NTC, the City has indicated that the Metropolitan Transit Development Board (MTDB) does not think the proposed densities warrant extending bus service to NTC beyond what is already provided to the area. However, the plan should still contain policies that encourage transit and ensure that when transit becomes a viable option at NTC, that the development infrastructure has been established that will support a variety of public transit options. However, as proposed, there are no transit policies or transitive incentives included in the plan.

The lack of requirements for adequate parking in the plan are also a concern. Although the plan provides for parking areas and a certain number of parking spaces, it does not explicitly require that City parking standards be met. In fact, the plan contains language suggesting that exceptions can be made to City standards (although the City has clarified that the intent of this language is to allow tandem parking in the residential area).

Regardless of the amount of maximum floor area for various uses contemplated in the plan, and the amount of parking spaces currently proposed, there must be plan policies that ensure that whatever development is ultimately approved for construction, is served by sufficient parking. This includes public uses such as the park and public promenade. In addition, the parking cannot be concentrated in one portion of the site to the detriment of the rest of the plan area. In addition, whenever feasible, spaces allocated to private development should be made available to the general public. However, these policies have not been included in the plan as submitted.

The proposed hotels will be adjacent to the public esplanade. The plan suggests, but does not require that parking for the esplanade be included with the hotel site.

Thus, as submitted, the plan does not ensure that circulation and traffic impacts will be addressed, or that adequate parking facilities will be provided and distributed throughout site. Therefore, the LUP cannot be certified as submitted.

Findings for Approval if Modified

Suggested modifications have been added that encourage or promote a number of alternative forms of transit. Suggested Modification #23 Section F.3 requires that pedestrian walkways, bicycle paths and public transit receive the same attention as facilities designed for the automobile. The City must install bicycle storage facilities in public areas such as parks and in other public facilities in order to encourage bicycle use. Installation of bicycle storage facilities shall be a required as a condition of approval on new development applications for proposed commercial, hotel or major residential projects.

Suggested Modification #23 Section F.3 requires that MTDB be requested to expand bus service to the nearest public roadway to the shoreline. As deemed necessary, new developments shall be required to provide or assist in funding transit facilities such as bus shelters and turnouts. The City shall promote ridesharing and shall provide ridesharing information to the public.

Suggested Modification #21 requires that a transit office be established to issue bus passes and coordinate car pools for employees and residents, provide transit information to visitors, and consult on the transit needs for special events. MTDB will be encouraged to provide neighborhood circulators or shuttles to provide community-level tripmaking and feeder access to established bus routes, and hotels must participate in shuttle systems to Lindbergh Field.

The Commission is under no illusion that these policies will eliminate all impacts to traffic and circulation resulting from the NTC development. The City of San Diego has already required that all feasible street improvements that would mitigate the traffic impacts be implemented. As noted above, the purpose of adding policies supporting alternative transportation is to ensure that the provision of transit remains a high priority and goal, and that the infrastructure to support transit is in place when additional transit becomes a feasible option.

With regard to parking, development at the site can only be allowed to occur if adequate parking is provided. Density and intensity at the site is limited by the amount of parking that can be provided for the development. Suggested Modifications #23 Section C.3.h requires that all new development provide adequate parking, and that the only exceptions be to allow tandem parking in the residential area. Suggested Modification #23 Section C.3.h also requires that parking areas to serve public and private development shall be distributed throughout the site, specifically including the residential area, the education/mixed use area, the office/research and development area, the public park area, and the hotel sites. When feasible, such as on evenings and weekends, shared parking arrangements allowing the public to use private parking facilities must be accommodated.

In addition, Suggested Modification #23 Section C.3.h requires that a parking management plan be developed for the office, education and mixed-use portions of NTC to ensure that adequate parking is provided for all development in these areas. (Other

plan policies and suggested modifications specifically require that adequate parking be provided for the hotel and public park, which are not expected to participate in shared parking arrangements like other development areas may). The plan must include phasing for the construction of a parking structure (if one is deemed necessary to accommodate the required parking) prior to or concurrent with the construction of new development, and annual parking studies to evaluate any impacts that non-park users may be having on the parking spaces provided within the public park areas. The studies must also examine if NTC generated uses are impacting adjacent residential streets west of Rosecrans Street.

If, based on results of these parking studies, it is determined that impacts of non-parking users to parking spaces within the public park areas are occurring, or impacts of NTC generated users on adjacent residential streets are occurring, an internal shuttle transit system connecting the parking structure and other shared parking facilities to uses within the office, education, mixed-use and public park or other mitigation measures identified in the parking study shall be implemented. Thus, as modified, adequate parking for all uses within NTC must be provided, and parking studies will ensure that if any parking shortfalls do occur that impact the public, the impacts must be mitigated.

In summary, there will be traffic and circulation impacts associated with development of site, although these impacts have been mitigated to the greatest extent feasible. Suggested Modifications have been added that involve the promotion of alternative forms of transit, and require that adequate parking facilities and parking monitoring be provided for the development. Therefore, as modified, the Commission find that the LUP is consistent with the Chapter 3 policies of the Coastal Act regarding the appropriate intensity of development.

**PART VI. FINDINGS FOR REJECTION OF THE CITY OF SAN DIEGO LCP
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED
AND APPROVAL, IF MODIFIED**

A. AMENDMENT DESCRIPTION

As noted above, the implementation plan for the Precise Plan consists mainly of the City's existing Land Development Code (LDC). The detailed requirements and ordinances of the LDC will apply to development at NTC, except that in the case of conflicts, the policies of the Precise Plan govern. However, there are several sections of the Precise Plan which either deal specifically with zoning ordinances or contain policies that are clearly intended to implement the broader goals of the Precise Plan, and these sections also constitute the implementation plan (although this is not clearly explained in the plan, and thus must be clarified through a suggested modification). Thus, in total, the proposed implementation plan for the Local Coastal Program consists of the following:

- City of San Diego Land Development Code (zoning regulations);
- The Implementation Chapter of the NTC Precise Plan;

- Tables 2.3, 2.5, 2.6, 2.8 2.10, 2.12, 2.13, 2.14, and 2.16 of the Precise Plan which specify zoning requirements
- Appendix A, *Use Restrictions for Runway Protection Zone*, of this Precise Plan; and
- Appendix B, *Use Restrictions for Visitor Emphasis Overlay*, of this Precise Plan.

The implementation chapter describes the permitting process and the proposed zoning and discretionary permits anticipated for each of the proposed land use types. Appendix A identifies maximum densities, intensities, heights (40 feet) and allowable land uses permitted in the area underlying the airport runway path, or Runway Protection Zone (RPZ).

Appendix B is a section of the plan submitted by the City of San Diego as a suggested modification to address the amount of land area devoted to visitor-serving uses. The appendix lists the allowable uses proposed by the City in a Visitor Emphasis Overlay (VEO), to ensure that adequate visitor-serving uses are provided at NTC.

B. SPECIFIC FINDINGS FOR REJECTION AS SUBMITTED AND APPROVAL, IF MODIFIED

Findings for Denial

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

As noted, the Precise Plan does not clearly identify what the implementation plan for the LCP is, and/or what portions of the Precise Plan are implementing ordinances. This is important, because the standard of review for LUPs is Chapter 3 of the Coastal Act, but the standard of review for implementing ordinances is the certified LUP. Thus, without a clarifying suggested modification to clearly identify the implementation plan and land use plan, the plan cannot be accurately or adequately reviewed or implemented.

The submitted plan has a zoning map, but the map does not distinguish between the zoning areas for single-family residence and multi-family residence. Therefore, the plan is not adequate as submitted.

As discussed above, under the findings for the Land Use Plan, inadequate land area has been reserved for visitor-serving and community oriented land uses. Suggested modifications have been added to the LUP to increase the amount of land area devoted to uses in an area designated as the Visitor and Community Emphasis Overlay (VCEO). The Precise Plan has been designed so that very broadly defined zones have been designated on the land, but specific restrictions on land use and development which supercede the zone categories are contained in the Precise Plan. Thus, in order to ensure that only visitor-serving and community uses are allowed in the VCEO, specific restrictions on allowable development types must be designated in the implementation

plan. Without specifying allowed and prohibited uses, the Commission cannot ensure that visitor-serving and community uses will be developed consistent with the policies of the land use plan.

Water quality policies have also been added to the LUP, which require specific implementation measures to ensure consistency with the resource protection policies of the Coastal Act. As proposed, the implementation policies of the plan are inadequate to meet these standards, and cannot be certified.

Findings for Approval if Modified

Because it was not clear in the submitted plan, Suggested Modification #27 has been added to specifically identify what the Implementation Plan for NTC consists of (as listed above). It clarifies how to reconcile conflicts between the City's certified Land Development Code and the NTC Precise Plan. In addition, a suggested modification requires that the plan include a zoning map that distinguishes between the two residentially zoned areas.

Suggested Modification #28 adds an Appendix B to the LCP Implementation Plan. As modified, Appendix B prohibits some uses that would typically be allowed in a visitor-serving zone, including multi-family residences. These additional restrictions have been placed on uses in the Visitor and Community Emphasis Overlay because given the relatively small amount of area designated for these uses, it is important that only strictly visitor-serving or community uses be allowed. These include the golf course (22 out of the approximately 65-acre VCEO) restaurants, museums, visitor accommodations, nightclubs and bars, sidewalk cafes, real estate offices, exhibit halls, clothing stores, grocery stores, etc. Without these restrictions, the Commission would have no assurance that adequate amounts of high-priority development would actually occur in this area.

However, additional uses that are not normally permitted in visitor-serving area have also been added to the list of permitted uses, to include community oriented and public recreational uses including non-profit and civic offices, social service institutions, vocational training, small-scale church facilities, and lodges and fraternal organizations, and passive and active recreational facilities. These additional uses have been included to reflect the unique nature of NTC as an area historically devoted to public and community service, that is, military training. In this particular case, the Commission finds it is appropriate and necessary to expand the priority uses beyond traditional visitor-serving uses to community and civic uses. However, these uses are generally not pedestrian-oriented, or open to the public on a "drop-in" basis like traditional visitor-serving facilities, such uses are still encourage but have been restricted to the upper floors of buildings, to ensure that pedestrian and visitor-oriented uses are located on the ground floor. Only as modified to allow only visitor-serving and community-oriented land uses can the plan be found consistent with the Land Use Plan, as modified herein.

Suggested modification #26 adds specific, detailed policies regarding polluted runoff, including the requirement that all new development meet or exceed the stormwater

standards of the Regional Water Quality Control Board with regard to stormwater runoff. Plans for new development and redevelopment projects must incorporate Best Management Practices (BMPs) that will reduce the amount of pollutants entering the boat channel.

The added policy language also includes provisions for increasing public education and raising public awareness of stormwater issues, and requiring the City's participation in watershed planning issues. Plans to control runoff from the golf course at NTC must also be prepared.

PART VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. As discussed above, as modified, the amendment can be found fully consistent with the resource protection, public access and recreation, and visual protection policies of the Coastal Act. As modified, the implementation plan will be adequate to carry out and implement the certified land use plan. No impacts to coastal resources are anticipated. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which certification of the LCP, as modified, may have on the environment.